# The Report of The Commission on Private Schools in Ontario

**Bernard J. Shapiro, Commissioner**

Ontario

**October 1985**

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Ontario

The Commission on
Private Schools
in Ontario

La Commission
sur les écoles privées
de l'Ontario

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October 31, 1985

The Honourable Sean Conway
Minister
Ministry of Education
22nd Floor, Mowat Block
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Dear Mr. Conway:

It is a pleasure to submit to you the Report of the Commission on Private Schools in Ontario, established by Order in Council 2049/84 dated July 26, 1984.

In preparing this Report, I have attempted to make available to you not a fully documented research report but - at least in terms of the main text - a brief public policy paper. As a consequence, there has been limited opportunity within the Report to deal with each issue in the fullest detail. Therefore, I do hope that you and your colleagues will feel free to call upon me for further comment and explication if you believe that I can be of assistance.

My work as Commissioner has been both stimulating and satisfying to me both personally and professionally. My hope is that the publication of the Report will provide a framework for a productive discussion on the appropriate public policy for private/independent schools in Ontario.

Cordially,

Bernard J. Shapiro
Commissioner

# TABLE OF CONTENTS

Acknowledgement

CHAPTER I THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO . . . 1
- Establishment of the Commission . . . . . . . . . . . . . . . . . . . . . . 1
- The Commission's Plan of Work . . . . . . . . . . . . . . . . . . . . . . . . 2

CHAPTER II PRIVATE SCHOOLS IN ONTARIO: THE PAST AND THE PRESENT . . . . . . . . . . . . . . . . . . . . . . . . 4
- The Past . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 4
- The Present . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 5
  - Legislative References . . . . . . . . . . . . . . . . . . . . . . . . . . 5
  - A Statistical Overview . . . . . . . . . . . . . . . . . . . . . . . . . . 5
  - Operating Costs . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 6
  - Current Programmes of Aid . . . . . . . . . . . . . . . . . . . . . . . 7
  - Private School Visits . . . . . . . . . . . . . . . . . . . . . . . . . . 8

CHAPTER III PUBLIC FUNDING OF PRIVATE SCHOOLS: SOME COMPARATIVE PERSPECTIVES . . . . . . . . . . . . . . . . . . 11
- Canada . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 11
  - The Territories . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 11
  - Newfoundland . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 11
  - The Maritimes . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 12
  - Manitoba . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 12
  - Saskatchewan . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 12
  - British Columbia . . . . . . . . . . . . . . . . . . . . . . . . . . . . 12
  - Alberta . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 13
  - Quebec . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 14
- Some Other Countries . . . . . . . . . . . . . . . . . . . . . . . . . . . . 15
  - New Zealand . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 15
  - The Netherlands . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 15
  - France . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16
  - Denmark . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16
  - Australia . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 17
  - England . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 17

CHAPTER IV PUBLIC FUNDING OF PRIVATE SCHOOLS: THE VIEW OF ONTARIANS . . . . . . . . . . . . . . . . . . . . . . . . . . 19
- Public Opinion Polls . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 19
- Informal Consultations . . . . . . . . . . . . . . . . . . . . . . . . . . . 19
- Written Briefs . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 21
  - Public School Boards . . . . . . . . . . . . . . . . . . . . . . . . . . 22
  - Separate School Boards . . . . . . . . . . . . . . . . . . . . . . . . 26
  - Jewish Schools . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 28
  - Protestant Denominational Schools (Supporting) . . . . . . . . . 29
  - Protestant Denominational Schools (Opposing) . . . . . . . . . . 32
  - Conference of Independent Schools . . . . . . . . . . . . . . . . . 33
  - Schools for Special Education . . . . . . . . . . . . . . . . . . . . . 34

CHAPTER V PUBLIC FUNDING OF PRIVATE SCHOOLS: THE RECOMMENDATIONS OF THE COMMISSION ....... 37
  Some Matters of Principle ....... 38
  The Recommendations ....... 40
    A Standard for All Schools: Satisfactory Instruction and Qualified Teachers ....... 41
      Satisfactory instruction ....... 41
      Qualified teachers ....... 42
    Private Schools: Status, Responsibilities and Teacher Qualifications ....... 43
      Status ....... 43
      Responsibilities ....... 44
      Teacher qualifications ....... 45
    The Public Funding of Independent Schools ....... 46
      Programmes of limited support ....... 51
      Associated schools ....... 53
    Board (Public and Separate) Schools: New Opportunities ....... 57
    Special Cases ....... 62
      Pre-school programmes ....... 63
      Home schooling ....... 63
      Religious education ....... 64
      Special education ....... 65
    Some Matters of Process ....... 67
      Ministry of Education ....... 67
      Provincial Government ....... 68
  The Costs ....... 68
  The Consequences and the Challenge ....... 69

## APPENDICES

Appendix A — Statement to the Legislature by William G. Davis, Premier — June 12, 1984 . . . . . 73
Appendix B — Order in Council Establishing The Commission on Private Schools in Ontario . . . . . 77
Appendix C — Commission on Private Schools: Advisory Committee . . . . . 79
Appendix D — "Legal and Constitutional Aspects of Public Funding for Private Schools in Ontario" — Neil Finkelstein . . . . . 81
Appendix E — "The Funding of Private Schools in Ontario: Philosophy, Values and Implications for Funding" — Mark Holmes . . . . . 109
Appendix F — "Alternative Methods of Financing Private Schools in Ontario" — Stephen Lawton . . . . . 153
Appendix G — "A History of Private Schools in Ontario" — Robert Stamp . . 193
Appendix H — Commission on Private Schools: Ontario Private Schools Visited . . . . . 209
Appendix I — Commission on Private Schools: Call for Briefs . . . . . 213
Appendix J — Commission on Private Schools: Informal Consultations . . . . 215
Appendix K — Commission on Private Schools: Briefs Submitted . . . . . 219
  Arranged by brief number . . . . . 220
  Arranged alphabetically by author . . . . . 230
Appendix L — Commission on Private Schools: Meetings to Discuss Specific Briefs . . . . . 241
Appendix M — Sample Alternative School Policies . . . . . 243
  Board of Education for the City of Toronto . . . . . 244
  Ottawa Board of Education . . . . . 263
  Board of Education for the Borough of York . . . . . 264
Appendix N — Ministry of Education — Ontario Goals of Education . . . . . . 265

## ACKNOWLEDGEMENT

I would like to express my special gratitude to Neal Emery and Yvonne Schmid of the Commission staff. In addition, I would like to acknowledge the support and assistance of the Advisory Committee to the Commission, my wife Phyllis, my colleagues at the Ontario Institute for Studies in Education, those individuals who undertook special projects for the Commission and, most importantly, the many citizen groups and individual Ontarians whose participation in the Commission's work has, I believe, enriched its result.

B. J. S.

## Chapter I

# THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO

> Schools can make a difference in the lives of children not by keeping them off the street through adolescence, not by giving them marketable job skills, not by training them in the habits of docility, but by instilling in them the qualities of mind and character that will enable them to operate as self-governing citizens in a self-governing society.
>
> Diane Ravitch, 1985

The extent to which public monies should be used to support the education of persons enrolled in private elementary and/or secondary schools (i.e., elementary and/or secondary schools not themselves owned or operated by government bodies) has been a question debated by every nation providing public support to schools. There is, however, no absolute answer to this question. The current arrangements in any jurisdiction are the result of the interplay of many factors, including the religious, ethnic and cultural composition of the population, historical developments, governmental structures, and both the strength and character of the economy. In Ontario and in Canada, both characterized by a heterogenous population and an official ideology that is multi-ethnic in nature, no arrangement is likely to be a permanent one. Such a society will possess — to some extent — pluralistic social structures with differentiated institutions, and the degree to which different groups will interact in common settings will vary over time. Any existing arrangement can be expected to alter as change also occurs in the variable factors affecting the current policy compromise.

### The Establishment of the Commission

In Ontario, the general issue of the public support of elementary and secondary private schools has been discussed for many years, and the actual practice of the Province has varied over time. At present, however, direct provincial funding of schools not operated by the Ministry of Education or publicly elected trustees is severely limited.[1] The question of the appropriateness of this current arrangement was raised directly by the Provincial Government itself in a statement to the legislature on June 12, 1984 by the then Premier of Ontario, the Honourable William G. Davis.

In this statement (see Appendix A), which was devoted primarily to the extension of public funding to a complete Roman Catholic secondary school system, Mr. Davis added, on behalf of the Government, that the new policy with regard to the Roman Catholic schools:

> legitimately raises questions about the place of independent schools in our province . . . (and that) it is timely and useful to review the role of these schools in educating our children.

Pursuant to this announcement, an Order in Council (see Appendix B) dated July 26, 1984 appointed Bernard J. Shapiro, Director of the Ontario Institute for Studies in Education, as the sole Commissioner for the Commission on Private Schools in Ontario. The Order required that the Commission inquire into and,

a) document and comment upon the contribution of private schools in elementary and secondary education in Ontario;[2]

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[1] Lawton, S., *Alternative Methods of Financing Private Schools in Ontario*, paper prepared especially for the Commission on Private Schools in Ontario, Toronto, January 1985.

[2] There are 210 registered and bonded private vocational schools in operation in Ontario. These were not, however, part of the mandate of the Commission on Private Schools in Ontario.

b) identify and comment upon possible alternative forms of governance of private schools that provide elementary or secondary education, or both, and make recommendations for changes in governance of such private schools in Ontario as the Commissioner considers appropriate;

c) comment upon whether, with reasonable attendant obligations, public funding of private schools that provide elementary or secondary education, or both, would be desirable and compatible with the independent nature of such schools;

d) identify and comment upon existing and possible relationships between private schools and publicly supported school boards.

A fifteen-person advisory committee, the members of which are listed in Appendix C, was appointed by the government. In addition, a small secretariat was established to assist with the Commission's work.

**The Commission's Plan of Work**

In order to respond to its terms of reference and develop its recommendations for the Provincial Government, the Commission engaged in a range of activities. The major strands of this programme of inquiry were:

a) periodic consultation with the Advisory Committee with which formal meetings were held on: September 7 and November 2, 1984, and January 18, March 29, May 23, and September 27, 1985;

b) a review of the research and policy literature with regard to the governance and funding of private schools;

c) the commissioning of the following special papers:

*Legal and Constitutional Aspects of Public Funding for Private Schools in Ontario* by Neil Finkelstein (Appendix D),

*The Funding of Private Schools in Ontario: Philosophy, Values and Implications for Funding* by Mark Holmes (Appendix E),

*A Study of Private Schools in Australia, France, England, Denmark and The Netherlands* by Bruce Lawrie,

*Alternative Methods of Financing Private Schools In Ontario* by Stephen Lawton (Appendix F),

*Summary of Legislation, Regulations, Policies for the Funding of Private Schools in Each of the Provinces of Canada Other than Ontario* by Lucien Perras,

*A History of Private Schools in Ontario* by Robert Stamp (Appendix G);

d) visits by the Commission to forty Ontario private schools (see Appendix H) selected to represent various school-types and locations within the Province;

e) a call for (see Appendix I) and receipt of written briefs by any individual Ontarian and/or group of Ontario citizens concerned with the issues under study;[1]

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[1] The large number of written briefs received and the relatively extreme polarization of views presented to the Commissioner precipitated an adjustment to the original time-frame for the Commission's Report. The original Order in Council specified 31 May, 1985. The Commission, however, requested and received from the Provincial Government an extension of its term to 31 October, 1985.

f) a series of meetings with the Chairmen of the Commission for Planning and Implementing Changes in Governance and Administration of Secondary Education in Ontario and the Commission on the Financing of Elementary and Secondary Schools in Ontario in order to effect appropriate liaison (September 24, 1984, January 14, February 18, April 1, and June 12, 1985);

g) informal consultations[1] with representatives of groups both inside and outside the educational community in Hamilton, Kingston, Kitchener, London, North Bay, Ottawa, St. Catharines, Sudbury, Thunder Bay, Toronto, and Windsor.

In addition to the above, the Commissioner made himself as available as possible to the public during all but the last stages of the Commission's work. Time was set aside to meet with various groups and individuals so that diverse points of view could be presented and clarified; groups requesting to present their briefs in person were accommodated; and, finally, the Commissioner accepted a wide range of invitations to speak in public outlining the policy issues and concerns with which he was dealing and describing the work of the Commission itself.

In the view of the Commission, the combined effect of this plan of work has been to enable the Commissioner to reach a level of understanding sufficient to provide an informed response to the terms of reference of the Order in Council establishing the Commission itself.

This response is contained in the following chapters which are cast in the form of a public policy consideration rather than that of a research report. These chapters deal with, respectively:

| | |
|---|---|
| Chapter II | PRIVATE SCHOOLS IN ONTARIO:<br>THE PAST AND THE PRESENT |
| Chapter III | PUBLIC FUNDING OF PRIVATE SCHOOLS:<br>SOME COMPARATIVE PERSPECTIVES |
| Chapter IV | PUBLIC FUNDING OF PRIVATE SCHOOLS:<br>THE VIEWS OF ONTARIANS |
| Chapter V | PUBLIC FUNDING OF PRIVATE SCHOOLS:<br>THE RECOMMENDATIONS OF THE COMMISSION |

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[1] See Appendix J for a complete list of informal consultations.

## Chapter II

# PRIVATE SCHOOLS IN ONTARIO: THE PAST AND THE PRESENT

### The Past

Private schools, defined for the purpose of this Commission as elementary and/or secondary schools not owned or operated by government bodies, have been a significant part of Ontario's pattern of culture and education from pre-Confederation times to the present. Stamp, in his paper prepared for the Commission and entitled "A History of Private Schools in Ontario" (see Appendix G), provides a detailed and particular account of the development of private schooling in this province. This development affected, and was affected by, the development of publicly funded schools and is characterized by Stamp as falling into four major historical periods: Schools of Necessity — 1780-1850; Schools of Privilege — 1850-1900; Schools of Innovation — 1900-1960; Schools of Protest — 1960-1984.

In historical terms, Stamp makes it clear that in the late eighteenth and early nineteenth centuries, elementary and secondary schooling in Ontario was not an established mandate of the state. Schooling was, in fact, provided in private schools sponsored primarily by parents, churches and philanthropists, but also by business entrepreneurs. Over time, within this period, the value of schooling became increasingly apparent to a greater and greater number of parents, and the Ontario private schools flourished.

When the Ontario government did begin to provide assistance to schools, such assistance was originally confined largely to the private grammar schools that prepared the future governing class for university. As the nineteenth century progressed, however, the Province gradually accepted a wider and wider role with respect to both the funding and the provision of elementary (and, later, secondary) schools for all children. This development was not, however, uncontroversial. In fact, schooling has frequently been a divisive factor in Canadian history. Over matters such as school programme, governance, administration and funding, the Canadian population has often been split on ethnic, religious, and economic lines. When, for example, in Ontario, Ryerson introduced (in 1846) the *School Act* which required that all citizens be taxed for the support of public schools, one parent remarked:

> We do not wish to be compelled to educate all the brats in the neighbourhood.[1]

Much more recently, but in the same vein, the last two decades in Canada have witnessed a flurry of change and bitter disputes over language and culture, disputes which have not infrequently focussed on the language of instruction in schools.

Nevertheless, throughout the nineteenth century the public school system grew both steadily and dramatically. The denominational, academic, and single-sex focus for which the private schools were often established was, in many cases, replaced by a function that was somewhat more social-elitist in nature. Those private schools that remained, however, flourished despite the substantial tuition fees that were required and a general social conscience that called for a free and common education for all.

The advent of the twentieth century in Ontario brought with it an impetus for innovation that became, among other things, the focus both for the renewal of certain established private schools and for the development of many new ones. Innovation was stimulated by educators and/or entrepreneurs who questioned, on one ground or another, the pedagogy and philosophy that was steering public education in the Province.

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[1] As reported in Martin, Samuel A., *An Essential Grace*, McClelland and Stewart Ltd., Toronto, 1985, p. 64.

Although these private schools contributed actively to a number of major educational innovations,[1] the combined effects of the great depression of the 1930s, the Second World War, increased tuition costs, and new programmes in the public secondary schools were such that the future of Ontario private schools appeared, in some respects, less promising at the midpoint of the present century.

It is now apparent that this mid-century decline was a passing phase. Strong movements for religious and philosophic diversity have created, in the past three decades, a resurgence in the number of operating private schools in Ontario. If nothing else, this new development has reflected a protest against the perceived bureaucratization of the public school systems and the nature and tone of both the environment and the curriculum in the publicly funded schools, and it was against this background that the work of the Commission was begun.

## The Present

### *(1) Legislative References*[2]

In Ontario's *Education Act,* the word "school" is, rather oddly, reserved for public/separate schools. Private schools are defined in paragraph 40 of subsection 1(1) as follows:

> "Private school" means an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day, for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section.

Section 15 of the *Education Act* addresses the matter of private schools in somewhat greater detail. Private schools may be established — as specified in this section — through the simple process of the annual filing of a "Notice of Intention to Operate a Private School" with the Ministry of Education. Other than the general obligation to provide "satisfactory instruction", the statute places no substantive standards on private schools except to ask that they meet the relevant fire, health, and zoning regulations. Thus, there is no general requirement for programme inspection of private schools and no provision for the closing of a private school for academic reasons. The Minister of Education can require statistical information from private schools, and such reports are, in fact, submitted on an annual basis by each Ontario private school. Moreover, the Minister of Education has the right to conduct inspections of private school programmes and records. In practice, such inspections are rarely undertaken at the elementary school level except in response to a specific complaint lodged with the Minister. At the secondary level, however, the Minister does, on request, provide inspectoral services at a nominal fee to authorize the principal of that private school to grant credits toward the Ontario Secondary School Diploma. Almost all of the Province's private secondary schools participate in this inspection programme.

Finally, there is also an oblique reference to private schools in clause 20(1)(a) of the *Education Act* which states that a child is excused from school (i.e., a public or a separate school) if he is receiving satisfactory instruction at home or elsewhere. Attendance at a private school is considered to fall within the definition of "elsewhere" so that private school students do meet the Province's compulsory attendance requirements.

### *(2) A Statistical Overview*[3]

In September 1984, there were 535 private elementary and secondary schools in operation across Ontario serving 87,126 students. Of the 535 schools, approximately 48% and 24%

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[1] For examples of such innovations, see brief #81, Conference of Independent Schools, p. 13.

[2] Although private schools have the legal right to exist, the Provincial Government also has the right in law to reasonably regulate such schools. (See Appendix D, pp. 88-90.)

[3] *Education Statistics Ontario,* 1983; *Education Statistics Ontario,* 1984 (preliminary).

were elementary and secondary schools respectively while the balance offered programmes at both of these levels. Of the 87,126 students, approximately 43% were in the elementary grades (i.e., junior kindergarten through grade eight) while 57% were enrolled in secondary programmes (i.e., grade nine through grade thirteen). In terms of size as measured by number of pupils, the average Ontario private school enrolment in September 1984 was 162 pupils, but there was a marked variation between elementary and secondary private schools. At the elementary level, the average enrolment was just over 90 students while the corresponding figure for the private secondary schools was 300. Moreover, there was very wide variation between individual schools with the largest private schools having enrolments in excess of 1000 while, at the other extreme, there were 55 schools with enrolments of ten or fewer students.

Analyzed from another perspective, 70% (i.e., 373) of the private schools enrolling 80% (i.e., 69,886) of the private school students were private schools which were religiously defined. The largest group of these was the Roman Catholic private schools — almost all of them secondary schools — which accounted for a quarter of the private religious schools and a half of the private religious school enrolment. Also in terms of student enrolment, other large religious subgroupings included the Alliance of Christian Schools (9,826 pupils), the Jewish schools (7,837 pupils), and the Anglican schools (5,089 pupils).

Trends in enrolment data provide evidence of considerable growth in the Ontario private school sector in recent years. Thus, in the period 1973-83 inclusive, elementary and secondary private school enrolment increased by 60% and 90% respectively, and although growth has moderated during the most recent period, it is still moving upward both in absolute terms and relative to the enrolment of public schools. In 1973, the 47,500 students enrolled in Ontario private schools represented 2.3% of the total number of elementary and secondary students in the province. In 1984, the comparable percentage was 4.7.

The immediate political context for the establishment of the Commission on Private Schools was not, however, so much the growth in private school enrolment as it was the Province of Ontario's decision to extend the public funding of the Roman Catholic secondary school system. Therefore, the Commission excluded from its direct concern the Roman Catholic private secondary schools on the grounds that it seemed likely that the great majority of these schools would soon become a part of the Province's Roman Catholic separate school system. This left, within Ontario, 447 private elementary and secondary schools enrolling 53,417 students, 69% in elementary and 31% in secondary programmes. Of these 447 private schools, approximately two-thirds (i.e., 285) were religiously defined private schools while the balance (i.e., 162) was effectively non-sectarian.

These 162 non-sectarian private schools have also experienced recent enrolment growth (13% in the 1980-1983 period) and these same non-sectarian private schools include, for the purposes of this Commission, the two dozen private schools that are members of the Conference of Independent Schools. These 24 private schools, enrolling 11,000 students among them, are, in general, the long-established "traditional" private schools such as Ashbury College (Ottawa), Alma College (St. Thomas), and Upper Canada College (Toronto), representing the special image that is most commonly evoked in the public mind when the term "private school" is used.

In addition to these particular private schools, there are approximately 100 private schools of various sizes that have either a particular philosophical or pedagogical orientation (e.g., a Waldorf School, a Montessori school, a military academy, etc.) or which provide special education services for exceptional children, most commonly those with learning disabilities. Finally, there are the 17 private schools that provide Ontario secondary education for about 2,200 visa students and a small number of private schools in which instruction takes place on individual "campuses" where a parent is actually teaching his/her child(ren) at home.

### *(3) Operating Costs*

It is never a simple matter to develop a clear and meaningful index of the operating costs of complex organizations such as schools and school systems. This general problem is made even more difficult with respect to private schools by three special considerations. First, the variation in per-pupil operating costs among individual private schools is very large — much wider than in the public and/or separate schools. Second, the available data with regard to private school costs are limited. Third, contributed services outside of the cash economy are central to many private school communities, but, in general, no account is taken of this feature in describing the costs of a particular private school or group of private schools.

Nevertheless, if one keeps these limitations in mind, it is useful to refer to the operating cost analyses in Lawton's paper on finance (refer to Appendix F, pages 165-172). Lawton's data are based on a sample of 55 Ontario private schools, and these data suggest that the *average* Ontario private school spends $2,310 per pupil annually, 76% of it on staff salaries and benefits. The comparable per-pupil figure (weighted for average daily attendance) for the Ontario public/separate schools is $3,631. That is, the average per-pupil operating cost in the private schools would appear to be about 36% less than that in the public systems.

There are undoubtedly a number of factors which contribute to this wide cost differential among which would be, quite naturally, the wider range of programmes generally made available in the public schools. The major contributing factor is, however, professional staff salaries. In terms of Lawton's sample, the average private school principal receives an annual salary of $34,601, comparable to the salary of an average classroom teacher in the public schools. In terms of median salary, the private school teacher receives $21,244 annually as compared to $31,601 and $36,229 for elementary and secondary public school teachers respectively.

### *(4) Current Programmes of Aid*

Although Ontario private schools do not have access to either local education taxes or direct provincial grants for operating or capital expenses, it would not be correct to conclude that these private schools receive no public assistance. As outlined in the paper prepared for the Commission by Lawton there are, in fact, several sources of such aid.

Most such forms of aid are quite minor. Included in this category would be the programmes which provide for private schools:

- access to single copies of free textbooks under the Ministry of Education's book purchase plan;
- free copies of Ministry of Education curriculum guidelines and materials;
- inspection for the purpose of being authorized to grant Ontario Secondary School Diploma credits and the use of the computerized guidance system — both at nominal cost;
- access to Ontario's teacher exchange programme without the subsidy available to assist the teacher with travel costs;
- all pertinent Ministry policy and safety memoranda;
- subsidies to private school pupils engaged in Ontario's international student exchange programme;
- seminars for principals at times of major policy changes (e.g., Ontario Schools Intermediate and Senior Divisions, Program and Diploma Requirements — OSIS).

Valuable as any of the above may be, they are clearly not designed to substantially underwrite the basic education of any private school student. Of somewhat greater importance is the federal grant programme for French language instruction which is available to both private and public schools. Although they are the largest form of direct aid to private schools, these grants in Ontario do not appear at present to total more than $1,000,000 annually.

Of greater importance is the indirect aid to private schools in the form of: (a) exemption from property taxes on non-profit private schools; (b) income tax deductions for tuition attributable to religious instruction; (c) income tax deductions for charitable purposes. The annual cost to the public treasury of these indirect programmes — at the local, the provincial, and the federal levels is not, at present, known. In addition, this cost is very difficult to estimate, for such an estimate would depend on currently untested assumptions such as: (a) the market value of private school properties; (b) the marginal tax rates of parents receiving tuition tax receipts and parents or other contributors receiving tax receipts for charitable donations; (c) the proportion of tuition that is attributed to religious instruction.[1] Moreover, in each of these areas, there would be wide differences among individual private schools although the aid programmes clearly favour those schools with a religious orientation. In his paper Lawton suggests that, excluding private Roman Catholic secondary schools, the level of public aid "amounts to about one-sixth of the average total in cost per pupil enrolled in a private school".[2] In the view of the Commission, this is a conservative estimate, and that there are some individual private schools where the aid level is at least twice Lawton's average estimate.

### *(5) Private School Visits*

In order to gather some first-hand experience and information, the Commissioner visited forty private schools within Ontario. The schools visited are listed in Appendix H and were selected to represent a wide range in terms of both type of school and geographic location. The visits included on-site tours of the facilities, and discussions with the school principal and, where possible, with other members (e.g., parents, teachers, board representatives) of the school community. These discussions dealt with the role and governance of the school, tuition policy, the nature of the curriculum, teacher qualifications, and, finally, attitudes towards public funding. With specific regard to the public funding of private schools, there was, in each case, some focus on: (a) reasons why such funds should (or should not) be made available; (b) conditions regarded as appropriate (or inappropriate) to such funding; (c) advantages and disadvantages of the particular form in which such funding might be made available. There was also some exploration in each case of the perceived reasons which motivated parents to select a private school for their child(ren).

Although no attempt was made by the Commissioner to systematically assess any or all of the private schools visited, the major impression produced by the forty visits was one of variability. There were large private schools and there were small private schools and, within each of these, some had large classes and some had small classes, at least relative to public school standards. There were private schools that were tightly organized, and there were private schools that were run on the most informal of bases. There were private schools whose teachers had superb qualifications and private schools where the general level of qualification seemed unsatisfactory for the responsibility associated with the position. There were private schools with very imaginative and effective programmes and private schools whose offerings seemed pedestrian, based on limited learning resources, and of extreme narrowness ideologically. There were private schools whose standards of achievement and/or discipline were very high, and then there were private schools within which achievement and/or discipline in the ordinary sense of those terms was clearly not a relevant consideration. There were private schools whose students represented very heterogeneous family backgrounds — whether in terms of education, socio-economic status, and ethnic, racial, or religious affiliation — and there were private schools where the students seemed homogeneous almost to the point of preciousness. Finally, there were private schools whose physical facilities were the envy of all, and, at the other extreme, there were those which can have only just managed to pass inspection by the municipal health and fire authorities. In sum, all that one can infer merely from the label "private school" is that it is an educational enterprise not operated by a public agency.

In addition to their "private" status, there was one other variable which all of the schools visited shared in common, and that was that they all charged tuition. The level of this charge — sometimes it was labelled tuition; sometimes it was called a gift; and sometimes it was called a combination of the two — varied between $600 and $18,000 per year, and in this context, there was a reasonably sharp distinction between the religiously defined schools and the non-sectarian ones. In the former, tuition levels were, in relative terms, lower (i.e., $1,500-$3,500 per year on the average) and often designed in such a way as to take parental means into account. On the other hand, the non-sectarian schools, lacking in most cases, access to the community financial resources sometimes available to their religious counterparts, generally assessed high tuition fees ($3,500 and up) and were able to accommodate — despite considerable effort in some cases — only a limited number of students whose families could not manage to pay these fees.

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[1] It should be noted that a recent decision in the case of McBurney vs the Queen (T-4121-81) provided that *all* tuition paid to religious schools is tax deductible providing that the school in question admits students irrespective of their ability and/or willingness to pay. This decision was, however, set aside on September 27, 1985, by a ruling of the Federal Court of Appeal (A-1065-84) in which the interpretation of Revenue Canada, providing limited tax deductibility, was upheld.

[2] Lawton, S., *Alternative Methods of Financing Private Schools in Ontario*, Appendix F, p.177.

Each of the private schools visited identified one or more specific roles for itself in terms of certain educational objectives which the public schools were perceived as not fulfilling. Collectively, these roles fell into four categories so that private schools saw themselves as providing:

- a religious and/or other values environment more consistent with that of the home; and/or
- an academically — and sometimes socially — enriched environment; and/or
- a specific pedagogical or philosophical approach or specialization; and/or
- special education programmes and facilities.

In discussions with private school parents it was clear that the majority of private school parents chose a private school for reasons at least consistent with those announced publicly by the school and often embraced by these same parents at considerable personal and financial sacrifice. What these parents saw themselves selecting in almost all cases were two things: first, an educational environment more precisely shaped to their own special preferences than would be the case in many public schools; and second, a school in which they believed they could more readily influence the educational programmes of their children if only because there is, in general, "only one step to the top" in the private school, and in many private schools, the financial dependence of the school on individual parent satisfaction is so much more direct. Nevertheless, it was also clear that many parents chose a particular private school for reasons unrelated to the stated educational vision of the private school's administration or governance board. Considerations such as location, after-school care, social class background of the student body, and racial mix (or lack of it) were not ever suggested to the Commissioner as related to the stated objectives of a private school, but each was a reason not infrequently advanced by parents for their choice of such a school.

In many other ways, however, the private schools visited resembled nothing so much as the local public schools. Most private schools, for example, matched the Ontario school year with only occasional modifications that decreased or extended the school year and/or the school day. In many cases the programmes offered were also similar to those comprising the Ontario curriculum (e.g., private schools offering secondary school credits must meet Ontario curriculum guideline requirements). Further, over one half of the teachers in the forty private schools visited had Ontario teacher certification. In this particular policy area, most of the representatives of private schools were in favour of employing qualified teachers, but they disagreed as to whether qualification necessarily entailed an Ontario Teacher's Certificate (OTC). Many suggested that other teacher certifications and/or demonstration of academic excellence through degrees were suitable alternatives. In addition, some private schools provide their own teacher training programme, and, in a number of denominational schools, it was reported that religious commitment rather than professional training was, and ought to be, the primary staffing consideration.

In the great majority of private schools visited, public funding of private schools was recommended by the individuals representing these schools. The reasons most frequently advanced to support this position were that:

- private schools provide an important public service by schooling the students enrolled;
- private schools deliver high quality education often at relatively low cost per student;

- parents have a prior right to choose the type of education they believe to be suitable for their children, and the state should make that choice "real" by funding it;
- since private school parents pay both education taxes and tuition fees, they experience double taxation which is unfair "by definition";
- it is unjust to fund the Roman Catholic separate school system and not the schools of other groups, particularly other religious groups.

Representatives from a few of the visited private schools did not want public funding on the grounds that this would, sooner or later, undermine the independence of their schools. Furthermore, several schools urged only partial funding so that the special commitment of the supporting private school community would not be eroded through the sudden disappearance of the private school's usual financial difficulties.

Although the Commissioner was frequently urged that private schools be given access to the ancillary services and facilities of local school boards, it was per-pupil grants to schools based on some proportion (usually high) of the provincial per-pupil cost of public education that was the most frequently suggested mode for financial aid to the private schools. There was, however, a substantial minority of the private schools visited where financial aid recommendations took the form of tax expenditures (either tuition tax credits or tuition tax deductions) on behalf of private school parents. It was argued that this form of indirect support of private schools was less likely to (a) come encumbered with unwelcome conditions, and (b) jeopardize the few public aid programmes already in place.

Finally, if public funds were to be made more available to private schools, the following conditions were most frequently identified by private school representatives as acceptable:

- fiscal accountability;
- teacher qualification (not necessarily certification);
- pupil testing for maintenance of academic standards.

The unacceptable conditions included any loss of control over:

- school philosophy and programme;
- selection of staff;
- admission and expulsion of students.

* * *

A brief outline of the history and some aspects of the present context of private elementary and secondary schooling in Ontario (both as described above) provided part of the framework for the work of the Commission. Private schools are not, however, a phenomenon unique to Ontario. Thus, another facet of the Commission's consideration was the public policy with regard to private schools in other jurisdictions — both Canadian and non-Canadian. What follows, therefore, is a description of these public policies in both other provinces and a selected number of other countries.

## Chapter III

# PUBLIC FUNDING OF PRIVATE SCHOOLS: SOME COMPARATIVE PERSPECTIVES

The legal status and funding arrangements for private schools vary a great deal from jurisdiction to jurisdiction outside of Ontario and outside of Canada. A detailed and comprehensive exploration of these differences is beyond the scope of this Report. The purpose of the present chapter is much more restricted. What follows is intended to provide only the beginnings of a comparative perspective by describing certain aspects of the public funding and control arrangements for private schools in both Canada (other than Ontario) and a few other countries.

### Canada[1]

In Canada, education comes under provincial jurisdiction at least partly because the designers of the Canadian Federation believed that education was a problem area best kept out of the national arena. Differences in culture, religion, and language required decentralized responses if consensus was to be achieved. The end result, as suggested by Mallea[2], is that Canada possesses an array of educational institutions and arrangements that vary along regional, class, religious, racial, ethnic, and linguistic lines. It is not, therefore, surprising that there is also considerable variation among the provinces in their arrangements for the public funding of private schools.

#### *(1) The Territories*

Although private schools are defined in the legislation governing the Northwest Territories, there are presently no private schools in either the Northwest Territories or the Yukon Territory, and there are no provisions for the public funding of such schools should they come into existence.

#### *(2) Newfoundland*

Newfoundland, unlike the other Canadian provinces, is characterized by public school districts which are established on a denominational basis, and the provincial government pays approximately 95% of the operational costs of these schools. The Province does not provide funds for the operation of private schools. However, where a private school is the only school in a community, it is required to operate within the same regulations applicable to a public school and is required to permit clergymen or officers of any religious denomination operating in public school districts elsewhere in the province to give a reasonable amount of religious instruction in that school.

In order to operate a private school in Newfoundland, the private school sponsor must satisfy the Minister of Education that the facilities are adequate, that the courses of instruction are as prescribed or approved by the Province, and that the teachers are certified. Moreover, a private school cannot operate without the prior written approval of the Minister, is subject to inspection by the Department of Education, and must furnish the Minister with such reports as the Minister may specify.

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[1] The data concerning Canada refer to 1984-1985 and were drawn primarily from the following sources: *Public Funding of Private Schools in Canada.* Canadian Education Association, Toronto, November 1984; Perras, L., *Summary of Legislation, Regulations, Policies for the Funding of Private Schools in Each of the Provinces of Canada Other than Ontario.* Paper prepared especially for the Commission On Private Schools in Ontario, Toronto, February 1985.

[2] Mallea, J.R., "Cultural Diversity in Canadian Education: A Review of Contemporary Developments" in R. Samvoa et al., Eds. *Multiculturalism in Canada.* Allyn and Bacon, Toronto, 1984.

### (3) The Maritimes

While private schools exist in all provinces of Canada, not all provinces have statutory provisions defining them. The statutory provisions for monitoring private schools do, as might be expected, vary from province to province although such control is generally carried out through either the conditions governing the establishment and operation of the schools or the requirements for compulsory school attendance.

New Brunswick requires that the parent or guardian of a child receiving instruction other than in a government school must apply annually to the Minister of Education to be exempted from the public system. Similarly, in Prince Edward Island, although there are no regulations governing the establishment and operation of private schools other than the right of provincial inspection, the Minister of Education's approval is required for a child to attend a private school.

Nova Scotia, New Brunswick, and Prince Edward Island do not have statutory provisions for the general funding of private schools. Nevertheless, Prince Edward Island provides financial assistance to private schools for the purchase of authorized textbooks, if the private school is following the provincially approved curriculum. Private schools in Nova Scotia can obtain authorized textbooks and learning materials through the Nova Scotia School Book Bureau.

### (4) Manitoba

In Manitoba, public education is non-sectarian. Private schools (home schools are not included) are required to provide a curriculum and a standard of education equivalent to that provided by the public schools. In addition, in order to receive public funding, private schools must both satisfy the Minister of Education as to this standard and, when teaching the approved courses, employ only teachers holding certificates issued under the *Manitoba Education Administration Act*. Public funding takes the form of annually revised per-pupil grants for instructional and textbook purposes. In 1984-85, these grants amounted to $622 and $40 respectively, representing approximately 20% of the Manitoba per-pupil operational grants to the public schools. When endorsed by the Minister of Education, shared services agreements can be signed by private schools and public school divisions for the provision of services such as transportation, industrial arts, home economics, and clinical assessments. The Department of Education provides school divisions full time equivalent funding for the private school students participating in such agreements.

### (5) Saskatchewan

Saskatchewan has publicly funded public and separate school districts, but in addition, public funds may be provided to private schools for pupils in grades 9, 10, 11 and 12. To be eligible for public funding, the private school must have been operating for not less than five years and have maintained an enrolment of not less than 60 pupils during each of the preceding two years. It must also meet the requirements of the Minister of Education in respect to courses of study, teacher qualifications, operating schedules, and supervision by the Department of Education. In addition, private schools must furnish the Minister of Education with any information required respecting their finances, structure, and administration.

The general form of public funding for eligible Saskatchewan private schools is annual per-pupil grants, the level of which in 1985 was $1,704, that is, approximately 59% of the total provincial per-pupil grant to the public schools. A capital costs grant equal to 10% of the recognized costs of private school facilities, including architect's fees, is also available. In Saskatchewan, the term "alternative school" is used to designate non-public schools which do not satisfy the legal definition of a private school. In 1984-85, there were, in Saskatchewan, 33 alternative schools and 10 private schools. Of the latter, nine received public funding.

### (6) British Columbia

In British Columbia, the term "private school" means a school outside the jurisdiction of the Ministry of Education. In this province of non-sectarian public schools, a school that is non-public but operates within the jurisdiction of the Ministry of Education is referred to as an independent school. Such a school is, by definition, operated by an authority (a society incorporated under the *Society Act*, a corporation under the *Private Act*, or a person designated in the regulations) and functions as an elementary school, secondary school or both.

The extent to which the independent schools in British Columbia receive public funds is dependent upon the degree to which such schools meet the conditions and requirements set by the Ministry of Education. Where an independent school is found by the inspector appointed under the *School Support (Independent) Act* of 1981: (a) to have no existing or proposed programmes of a nature that would promote or foster doctrines of racial or ethnic superiority, religious intolerance or persecution, or social change through violent action; (b) to have adequate facilities; (c) to have operated for three years prior to application, it may be granted Group 1 classification for a school year. This independent school then receives 9% of the student operating cost incurred the previous year by the public school district in which the independent school is located, and it may use the grant to pay any operating costs of the school except teacher salaries.

Independent schools classified as Group 2 receive a 30% grant which may be used toward any operating expenses of the school. In order to qualify for this classification, the independent school must meet requirements in addition to those for Group 1. Specifically, the school must establish a curriculum that complies with Ministry of Education requirements and submit a list of teachers with their certification status, educational qualifications, and a description of their teaching and other responsibilities and, in the case of uncertified teachers, a programme of action to ensure that such teachers will be certified within five years of the application for Group 2 classification. Additionally, such schools must agree to participate in an acceptable pupil testing programme,[1] as well as in an evaluation of the school's programmes, operations, and administration by an External Evaluation Committee. A Teacher Certification Committee awarding certification exclusively to teachers in independent schools may be constituted for that purpose by the Minister of Education and a certified teacher in an independent school is not required to be a member of the British Columbia Teachers' Federation.

As of July 1984, 152 of British Columbia's 247 independent schools were classified as belonging to Group 1 (11 schools) or Group 2 (141 schools). In the six years following the *Independent School Act*[2] of 1977, there has been a 44% increase in the number of pupils enrolled in the supported independent schools. Enrolment in these schools, which include 65 schools (13,978 students) that in Ontario would be the Roman Catholic separate schools, now represents approximately 5% of the elementary and secondary school population of British Columbia.

### *(7) Alberta*

Alberta has a publicly funded education system comprising both public schools and separate schools which are either Roman Catholic or Protestant in denomination. A private school may be established or operated by any person, persons or organization, religious or otherwise, approved by the Minister of Education.

Where a private school follows an approved course of study, employs only certified teachers, and complies with Department of Education standards, a grant may be received under a Category 1 designation. This grant is 75% of the per-pupil grant for public and separate schools in Alberta.[3] Category 2 private schools are those providing specifically for the education of children with mental, emotional or social handicaps and must be operated by a society or association for the handicapped. In addition, they must maintain a standard of education and training acceptable to the Minister of Education. Where children have been placed in such a private school through parental initiative alone, the grant received by the school is 75% of the per-pupil instructional grant to public and separate schools. Where the child is placed in the school in agreement with the local public schools, financial support has been a matter of negotiation between the private school and the public board.

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[1] These programmes include student assessment tests and provincial examinations.

[2] The *Independent School Act*, 1977 was revised as the *School Support (Independent) Act* in 1981.

[3] When, however, the special purpose grants for which private schools are not eligible (i.e., for special education, transportation, and vocational education) are taken into account, this proportion drops to somewhat less than 50%.

Category 3 private schools, established for the purpose of giving instruction in a language other than English, are not eligible for grants from Alberta Education but they may receive grants from Alberta Culture. Schools offering courses approved or prescribed by the Minister of Education but not employing only Alberta certificated teachers are designated Category 4 and receive no funding from the Province. Schools not offering courses approved or prescribed by the Minister of Education are not legal in Alberta. Of the 138 private schools listed by the Alberta Department of Education for 1984-85, 96 are in Category 1 and 7 in Category 2. The enrolment in these two categories of private schools represents approximately 3% of the elementary and secondary school population of the province.

### *(8) Quebec*

Quebec utilizes a single set of evaluative criteria to assess the quality of programme and personnel in all private schools. Those schools which meet the highest level of the prescribed standards are declared "of public interest", others are "recognized for grant purposes", and a third category, "schools under permit", are ineligible for funding, usually as a consequence of following a programme which, though approved by the Minister, is not the official one.

All Quebec private schools must hold a permit from the Minister of Education describing the particular type of instruction provided in order to operate. Exemption from the requirement to hold a permit may be given for a limited number of institutions which are of a non profit-making cultural nature. All institutions must have corporate status, or hold a certificate of registration in the case of the "permit" category, and all publicity for the institution is subject to approval by the Minister of Education.

Those Quebec private schools granted the category of "institutions declared of public interest" receive public funding in the form of a per-pupil grant calculated as a proportion of the average per-pupil grant allocated to public schools, the proportion varying according to educational level and type of institution. In 1984-85, this grant ranged from $1,057 at the pre-school level to $2,222 at the secondary level, and approximates 85% of those given to public schools. Private schools offering special education services for handicapped students may, and frequently do, receive grants in excess of these amounts. The private school declared "of public interest" receiving these grants may not charge fees to students in excess of fifty percent of the per capita grant.

Those private schools not recognized as "of public interest" may be classified as "institutions recognized for grant purposes". These grants are smaller than those for the "public interest" schools, and, in 1984-85, ranged from $774 per pre-school student to $1,628 per secondary school student with tuition fees not in excess of the level of the per capita grant. As with the "public interest" category, additional grants of $150-200 per pupil may be made for the purchase of pedagogical equipment.

The final category of private schools in Quebec consists of those schools holding a permit to operate and not falling into either of the two categories above. Institutions in this "permit" category receive no public grants.

Quebec is an exception among Canadian provinces in limiting not only tuition fee levels at private schools receiving public funding but also the power vested in the Minister of Education. In other provinces, existing statutory definitions of "private school" vest a great deal of discretionary decision-making power in the Minister of Education and his/her officers. In Quebec, this power is somewhat qualified by the legislative requirement that the Minister work in consultation with a Private Education Advisory Commission whose nine two-year term members are neither elected officials nor civil servants. This Commission submits an annual report directly to the Quebec legislature.

## Some Other Countries

The treatment of private schools in countries outside of Canada is, quite naturally, more variable than is suggested by the differences within Canada itself. There are countries (e.g., the USSR, Roumania) where the state enjoys a formal monopoly in education, and private schools are not permitted. There are countries (e.g., the United States, Greece, Sri Lanka) where private schools are permitted, perhaps even encouraged, but not substantially supported by public funds. More common in the Western world, however, are those countries in which private schools receive substantial public funding although, within these countries, there is a wide range in the degree and nature of such support. A comprehensive treatment of the private school policies within these "funding" jurisdictions — along with the relevant historical and cultural circumstances, both of which are crucial for understanding — is, as was the case for the Canadian provinces, beyond the scope of this Report. What follows, therefore, is a brief description of approaches actually in use in a few of the countries currently providing public support to private schools. No argument is made that the particular group of countries presented is a uniquely appropriate set. All that is intended is that an outline of the present private school funding and control policies in New Zealand, France, The Netherlands, Denmark, Australia, and England will provide an enlarged framework within which to consider the public policy options for Ontario.

### *(1) New Zealand*[1]

In New Zealand, private schools (which enrol a little less than 5% of the total elementary and secondary school population) are required to comply with defined standards of programme and accommodation. It is not clear, however, that this requirement is either rigidly or actively enforced. Those private schools which are integrated with the public system receive full operational funding although they may still charge attendance dues. Since the passage of legislation in 1975 allowing private schools the option of becoming a part of the state schools system on a basis whereby the special character of such private schools would be safeguarded, all but a few heavily endowed church-affiliated grammar schools have opted for integration. Thus, all Catholic schools, comprising 90% of the private schools, were integrated with the state school system by mid-1983. Private schools not integrated with the public system receive partial operational funding in the form of grants based on 50% of the "adjusted" school costs.

A maximum enrolment is set for each integrated school, but integrated private schools may restrict admission for the majority of their students to those with a particular philosophical or religious connection. Each integrated private school must, however, make available on a non-preferential basis a specified proportion (usually 5%) of its student places. As a further safeguard for their special character, integrated private schools are permitted to label a proportion (up to 60%) of their teaching positions as "special" and reserve these positions for teachers whose suitability for employment will be assessed on the basis of their sympathy to the special nature of the school. The balance of the teaching positions must be open to all qualified candidates.

### *(2) The Netherlands*[2]

Like New Zealand, The Netherlands provides a high degree of funding for private schools. In fact, the Dutch have tied private and public school funding so closely together that from the budgetary point of view, there is really only a single system.[3]

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[1] The data concerning New Zealand were drawn primarily from: *The Private Schools Conditional Integration Act.* Department of Education, Wellington, 1975; and Bell, T.H., *The Education System of New Zealand.* U.S. Department of Education, Washington, D.C., 1981.

[2] The data concerning The Netherlands were drawn primarily from: Doyle, D.P., *Family Choice in Education: The Case of Denmark, Holland, and Australia.* National Institute of Education, Contract #EPA 30032, Washington, D.C., March 1984; and Lawrie, B.R., *A Study of Private Schools in Australia, France, England, Denmark, and The Netherlands.* Paper prepared for the Commission of Private Schools in Ontario, February 1985.

[3] Aside from the Dutch private schools, there are, in The Netherlands, a small number of "free" schools as yet not recognized (for public funding) by the Ministry of Education.

In The Netherlands, in order to open a private school whose establishment is allowed on grounds of accepted philosophical, religious or pedagogical theories, parents must meet the minimum enrolment levels (higher in urban than in rural areas) and put up a bond for 10% of the cost of the school building before receiving any government funds. The bond is returnable after twenty years of operation. Staff salaries for private schools are negotiated and paid directly by the central government while municipalities cover the other operating costs for which they are reimbursed by the central government. Operating cost levels for the private schools are funded on the basis of expenditure incurred by corresponding state schools.

The private schools in The Netherlands have no control over the number of teachers employed, the salary paid, nor the mix of qualified and other professionals allowed to operate in the school. The general framework of the curriculum is determined by a central government office, and a centrally administered examination system prevails. In addition, there are constraints on the amount of funds that a private school may raise beyond that provided by the state, and a private school may not charge excessive fees above the government subsidy.

Most private schools in The Netherlands are religiously affiliated, and the Dutch private schools, which enrol in excess of two-thirds of the total student population, may not either prohibit the admission of, or expel, students whose parents fail to pay the modest additional fees charged.

### *(3) France*[1]

While France also provides high levels of public funding to private schools, it does so only to those private schools having a contract with the government. Requirements for such "contracted" schools include offering general rather than special-focus education, meeting specified school hours and physical plant standards, providing detailed financial and enrolment statements, and responding to a recognized educational need.

At the primary level, a contract ensures state remuneration of teachers conditional on meeting qualification criteria. At the secondary level, the contracted school's operating expenses, as well as teacher salaries, are covered by the state. Teachers, however, must belong to the public sector or be contracted to the state. The school must agree to state inspection and must also provide education which conforms with that of the state schools. Acceptance of a contract means that the school must admit students regardless of race, religion, or political persuasion.

In 1981, 16.7% of the French elementary and secondary student population was enrolled in private schools and, although 95% of these schools are Roman Catholic (all on contract), a 1982 survey showed that only 10% of private school parents chose these schools for religious reasons.

### *(4) Denmark*[2]

The Danish government explicitly recognizes the right of parents to choose alternative forms of education for their children, whether their reasons for doing so be ideological, political, educational, or religious. In order to found a private school, the founder(s) must appoint a principal, obtain government approval for buildings and curriculum, register a minimum of seven students, and show that the founder(s) can contribute adequately to expenses. The private school is then eligible for a subsidy of up to 85% of its instructional expenditures, based on comparable costs in the public school system. In 1981, private schools enrolled approximately 8% of the Danish school population.

Each Danish private school has a supervisor either elected by the parents (who constitute the majority on the private school board) and approved by the Ministry of Education or appointed by the municipality. The supervisor is responsible for ensuring that the standard of instruction is at least comparable to that of public schools.

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[1] The data concerning France were drawn primarily from: Lawrie, B.R., *ibid.*

[2] The data concerning Denmark were drawn primarily from: *Education in Denmark: The Education System.* Danish Ministry of Education, Copenhagen, 1983; Doyle, D.P., *ibid.*; and Lawrie, B.R., *ibid.*

### *(5) Australia*[1]

In Australia, independent, that is, private, schools obtain about 65% of their operating funds from the federal government, 20% from the state governments, and 15% from fees. These schools, approximately 75% of which are Roman Catholic, enrol approximately 20% of the Australian school-age students.

Recently, central government funds have been allocated to private schools on a "needs" basis. More specifically, public funding levels depended on both the level of expenditure in the government schools and the private resources available to the particular private school. Private schools were divided into three categories based on the resulting "needs" index, and the levels of central government grant varied accordingly. In order to register as a recognized private school, an act which until recently led without question to eligibility for federal government funding, schools were required to have suitable buildings and other facilities and to adhere to government approved programmes. Regulations governing teacher certification varied from state to state as did the extent to which the Department of Education requirement for inspection was actually carried out.

Even more recently, the Australian government has made a number of changes to the funding programmes for non-government schools. These include expansion in the number of funding categories, acceptance of a new needs assessment formula, and development of enhanced accountability requirements. The new accountability requirements are designed to ensure that grants from the government are applied by private schools to "national priorities and objectives". Details are to be required from private schools concerning ownership, objectives, system of governance, income and expenditure from all sources, enrolment numbers, staffing levels, admission and exclusion policies, and fee levels. In addition, the schools are to provide parents with regular and accurate information pertaining to public funding. Further, the government has indicated that high income private schools should not widen the resource gap between themselves and other schools by applying significant proportions of available funds to capital expenditure, thus making themselves eligible for higher grants for operating costs. All private schools, however, including those with lowest incomes from private sources, are expected to contribute in some way to their annual (recurrent) operating costs.

New private schools in Australia will continue to be able to apply for government grants. Establishment grants will, however, be made available only to those new private schools serving developing areas.

### *(6) England*[2]

While there is some public funding provided to private schools in England, the circumstance under which this occurs is quite different as compared to the countries considered above. English private schools are entirely independent fee-paying schools, operated by boards of governors. The majority of these schools are classified as charitable foundations qualifying for a 50% reduction in local tax rates and exemption from income or corporate taxes.

The English private schools are self-supporting through a combination of tuition fees (for which parents are not exempt from public school system taxes), endowments and/or fund-raising activities. In 1981, private schools enrolled 6% of the total English school population. These schools receive government funding only if they are involved in the Assisted Places Scheme (APS) for needy pupils. At the moment, the APS covers 14,000 students in the 220 participating private schools.

To be eligible for membership in the APS the private school must satisfy certain criteria. These include the breadth and balance of the curriculum, a good record in public examinations, suitably qualified staff, appropriate facilities, and a well established Sixth

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[1] The data concerning Australia were drawn primarily from: *Report for 1985: Response to Government Guidelines.* Commonwealth Schools Commission, Canberra, September 1984; Doyle, D.P., *ibid.*; and Lawrie, B.R., *ibid.*

[2] The data concerning England were drawn primarily from: Jones, C., *ibid.*; and Lawrie, B.R., *ibid.*

Form (grade 12/13) offering a range of university entrance subjects. Assistance is then made available to needy students for tuition fees on a sliding scale based on parental income. Each private school has, however, its own criteria for accepting an applicant, and each has a qualifying interview for which the candidate must sit.

* * *

Within the above group of six countries, the general, but not universal, trend is for increased government control to be associated with increased levels of public funding for private schools. Thus, for example, relatively high levels of public funding for private schools in both France and The Netherlands are accompanied by relatively high levels of government control over these schools, while in England there are few controls but relatively low funding levels. Denmark and Australia occupy points somewhere between these extremes. New Zealand, however, would appear to present a counter-example in that the public funding levels for private schools are high, but government control over these schools is relatively weak. In virtually all cases, however, both inside and outside Canada, public funding is accompanied by government regulation with regard to private schools programmes, facilities, and staffing, and, in a few cases, with regard to private school tuition fees and student admission policies.

As suggested, however, by the brief outlines in this chapter for either the Canadian provinces or countries other than Canada, there are many different approaches that can be taken to the public funding of private schools once a government has determined to embark on such a policy. Nevertheless, these particular approaches are only a small sample of those currently being practised, and there are, in addition, other possibilities (e.g., educational vouchers) which are widely discussed in both the professional and popular literature but which are not presently in any widespread use. Moreover, any description of the particulars of a funding and control mechanism — no matter how comprehensive — does not in itself deal with the consequences of using that approach in a particular social context with that context's rather special background of history, politics, and culture. Nevertheless, together with the history of private schools within Ontario (see Chapter II), the comparative perspective introduced above does provide some background for consideration of the current views of Ontarians with regard to the public funding of private schools.

## Chapter IV

# PUBLIC FUNDING OF PRIVATE SCHOOLS: THE VIEWS OF ONTARIANS

The development of public policy is a complex matter and should not be limited simply to a reflection of current public opinion. Such opinion is, however, an important consideration. Therefore, throughout the term of the Commission, the views of Ontarians about the public funding of private schools was a major concern of the Commission. The Commission itself solicited written briefs from all interested groups and individuals. In addition, the Commission arranged for a series of informal consultations throughout the province with a wide variety of citizens and citizen groups. Finally, note was taken of a number of public opinion polls, the results of which were published during the early months of the Commission's work.

### Public Opinion Polls

Although the Commission did not, on its own initiative, engage in public polling, three public opinion polls were published during the early months of the Commission's work, each of which dealt in part with attitudes toward the public funding of private schools. These polls were sponsored, respectively, by the Ontario Teachers' Federation, the Ontario Institute for Studies in Education, and the Ontario Secondary School Teachers' Federation.

The poll sponsored by the Ontario Teachers' Federation was a part of a late September 1984 ABM Research Ltd. poll on political issues in Ontario. In this poll, a sample of 755 representative Ontarians was surveyed by telephone regarding, among other things, the issue of providing public funds to private schools. Thirty percent of those asked responded positively to the idea of such public funding, and, if only those households with children in private schools were considered, the proportion in favour of such funding rose to one-half.

The Ontario Institute for Studies in Education, in its most recent survey of educational issues, polled a representative Ontario sample of 1,046 adults, 18 years of age and over, as well as a sample of 127 corporate executives. One of the questions asked was: "What schools do you think should be given government funding, provided that they meet province-wide standards?" Seventeen percent of those responding supported the public funding of all independent (private) schools with an additional 9% supporting public funding only of those independent (private) schools which were religiously defined.

In early January 1985, Decima Research Ltd. undertook a province-wide telephone survey for the Ontario Secondary School Teachers' Federation to examine public concerns related to the issue of full funding of the Roman Catholic separate schools. As part of this study, a representative sample of 760 respondents was asked whether funding should also be extended to private schools in Ontario. In this case, 55% of the respondents opposed the extension of public funding to Ontario's private schools.

The limitations of public opinion polls are well understood, and in particular two of these polls (those of the Ontario Teachers' Federation and the Ontario Secondary School Teachers' Federation) were sponsored by groups with a particular position on this public policy issue. Nevertheless, these three particular polls do provide between them a quite consistent picture of current public opinion with regard to the funding of private schools. That is, a majority of Ontarians appear opposed to the public funding of private schools but such funding is supported by a substantial minority group.

### Informal Consultations

Although the Commission held no formal public hearings, a systematic attempt was made through a series of informal consultations — primarily, but not exclusively, within Ontario — to broaden the sources of input to the Commission and to explore with a wide range of individuals and groups the matter of public funding for private schools. Within Ontario, such consultations were held by the Commission in Hamilton, Kingston, Kitchener, London, North Bay, Ottawa, St. Catharines, Sudbury, Thunder Bay, Toronto, and Windsor. In one or more of these centres, meetings were held with both individuals and representatives of the media, government, teachers' groups, government agencies, school boards, clergy, school administrators, chambers of commerce/boards of trade, senior citizens, university and college faculty, home and school associations, parents, social service organizations, students, labour organizations, and a variety of business groups. In addition to those invited at the initiative of the Commission, the Commissioner also responded positively to each Ontario group or individual asking to be included in the consultation process A complete listing of the individuals and groups who participated in these consultations is provided in Appendix J.

Although the participants were quite diverse in terms of both their general background and their particular interest in and/or attitude toward the public funding of private schools, two common themes emerged from within the process itself. First, it was clear that most of the individuals and many of the groups had only a very limited knowledge about Ontario private schools. Most of those consulted dramatically overestimated the size of the private school community and, by contrast, underestimated its variability. There are apparently a great many Ontarians who believe, quite incorrectly, that all Ontario private schools are both designed for, and are limited to, the children of the rich and the "established". Second, almost all of those consulted, whether from inside or outside the world of professional education and whether from inside or outside the private school sector, expressed strong support for the maintenance of a high quality public school system that would be free to all,[1] open to all, and with a range of programmes sufficiently broad so as to be appropriate for all.

There, however, the consensus ended. There was, among these groups and among these individuals, a broad diversity of views with regard to the possibility that public funds might be made available in support of private schools. Moreover, this diversity frequently existed within as well as among particular groups. Thus, for example, there were business representatives who argued forcefully against the public funding of private schools, but there were also business representatives who argued for at least partial support. Similar and related differences emerged from within the clergy, within certain teacher groups and within both parent and post-secondary constituencies. Nevertheless, in the midst of this welter of diversity over both broad policy and the nuances of policy detail, some general summary or characterization can be put forward.

Somewhat over one-half of those participating in the consultation process were opposed to any public funding for private schools. These people expressed the belief that private school funding would increase costs to the taxpayer, would undermine support for the public schools particularly in terms of their role with regard to less advantaged students, and would fragment the public system with particularly devastating impact within smaller communities. They also reasoned that the social unity and active tolerance and understanding needed in a multicultural society could only be developed if young people from varying backgrounds could — at least potentially — participate in the shared acculturation experience of common schools. This group often did acknowledge that there were problems in the public elementary and secondary schools of the Province. They suggested, however, that these problems should be addressed not through any abandonment of the public system but through a review and a revival of it.

Frequently suggested, in fact, was a revival that would encourage the development of more alternative programmes within the public schools or — as a further option — the funding of current private schools by bringing them in some way under the auspices of either one of the locally elected boards of trustees or a more broadly conceived unified school board.

By contrast, a substantial minority of those consulted supported the funding of private schools on grounds such as: (a) the general value of increased diversity, choice, and competition; (b) the inappropriateness of limiting public support to the schools of a particular religious group (i.e., the Roman Catholic community); (c) the perceived inequity of parents having to pay both private school tuition fees and the local education taxes for the publicly supported schools; (d) the importance of enabling parents to choose (without regard to financial constraints) a school that reflects their particular value system; (e) the real or imagined shortcomings of particular public school systems and programmes. It should, however, be noted that within this group supporting the public funding of private schools, there was a wide range of opinion as to the degree to which such funding should be made available. Some argued for supporting private and public schools on exactly the same financial basis. Many more, however, suggested that partial funding would be (a) an appropriate first step, and/or (b) a valid general policy in that the private schools do not serve the same range of public purposes as do the public schools, and/or (c) an approach which would minimize any negative consequences for the public school systems, and/or (d) less likely to be accompanied by funding conditions that would undermine the present independence of private schools, and/or (e) a less dramatic threat to the support systems within the private school community, support systems that were seen to be generated at least in part by the financial jeopardy of the private schools themselves.

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[1] It should be noted that in a formal sense, services are never "free". The only question is the extent to which access to such services by a particular user shall be made contingent upon payment of all or part of their cost by that user.

Virtually all of those consulted agreed that irrespective of the disposition of the overall funding issue, the Province had a right to specify and enforce minimum standards in all schools — whether public or private — and a large number of groups and individuals expressed concern that, at present, the Ministry of Education does not, except in special circumstances, inspect elementary private schools. If substantial public funding were to be provided to private schools, the majority of those consulted felt that such funding should be conditional upon: (a) open student access to such schools; (b) some mandatory core curriculum; (c) the hiring of certified teachers. Others, however, suggested that the only appropriate conditions were: (a) financial accountability; (b) the hiring of qualified (not necessarily certified) teachers; (c) the maintenance of appropriate levels of academic achievement.

If, on whatever grounds, the Province of Ontario should decide to provide public funds for private schools, those consulted were, in general, quite unclear as to the appropriate form such funding should take. Some (from both the public school and the private school sectors) suggested that a useful first step would be to make available to the private schools the ancillary services of publicly funded school boards. When pressed to choose between direct per-pupil grants to private schools as opposed to tax expenditures on behalf of parents, no general pattern of preference emerged. Those supporting direct per-pupil grants to schools generally referred to it as the normal practice in many other Canadian jurisdictions and stressed its relative administrative simplicity. Those who supported tax expenditure approaches (e.g., tuition tax deductions; tuition tax credits) did so frequently on the grounds that such approaches would better maintain the arm's length relationship between the Province and its private schools. Many of these individuals also particularly favoured the tax credit approach especially if it were designed to be related to parental income and thus not to favour the already affluent.

### Written Briefs[1]

In September 1984, the Commission solicited written briefs from interested individuals and groups. Public advertisements were placed in Ontario newspapers (see Appendix I), and, in addition, individual letters requesting the submission of a brief were sent to over 900 organizations including all Ontario public and separate school boards, all Ontario private schools, teachers' federations, school trustee organizations, home and school associations, and some business groups, labour groups, post-secondary institutions, etc. In response to this solicitation, the Commission received 514 written briefs.[2] Of these, 215 (41%) were from individual citizens. One hundred and twenty eight (i.e., 25%) were from private schools and 68 (13%) were from boards of education (57 briefs) or separate school boards (11 briefs). Finally, 64 briefs (13%) were from educational associations representing private schools (33 briefs), public school boards (29 briefs), and separate school boards (4 briefs). Thirty-one briefs (6.5%) were from non-educational associations (e.g., labour and business groups) and 8 briefs (1.5%) were from home and school groups. As indicated in the public notices, all of the submitted briefs are public record material and are maintained on file with the Commission. In addition, pertinent data relative to each brief have been entered into the Ontario Education Resources Information System (ONTERIS) and a listing of the briefs and a short description of each one can be obtained by accessing ONTERIS directly.

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[1] The data concerning written briefs were drawn from a reading of the briefs and a preliminary analysis of these briefs prepared by Dr. Brian Davis under contract to the Commission.

[2] Groups and individuals submitting briefs are listed in Appendix K.

Although, as mentioned above, the Commission held no formal public hearings, a number of individuals and groups requested an opportunity to present a brief in person to the Commissioner. All such requests were honoured, and a list of those who presented their briefs in person to the Commission is given in Appendix L.

In reviewing the briefs, it became clear that many writers addressed issues only implicitly, and, within the same brief, it was not uncommon for statements concerning a given issue to be either vague or self-contradictory. This frequently necessitated a direct contact between the Commission and the particular writer in order to clarify the intended meaning. Nevertheless, the briefs taken collectively were a rich source of ideas and considerations for the Commission. The diversity of views and suggested policy recommendations contained in the briefs were extreme, ranging from full government funding of all public and private schools to no government funding of any schools — public or private. Thus, no general summary can do full justice to the many points of view expressed and the often sophisticated nuances introduced into arguments that appeared on the surface to be similar to each other but which proved, upon more careful examination, to suggest either different policy directions or different grounds as justification for the same policy preference.

Nevertheless, some summary is necessary, and what follows is a summary, in broad form, of the positions taken by major groups — and the individuals associating themselves either explicitly or implicitly through policy agreement with these major groups — on the various issues related to the provision of public funding for private schools. The major groupings with their related organizations and individuals are:

1) public school boards, which generally oppose the provision of public funds for private schools;

2) separate school boards, which generally support public funding through affiliation;

3) Jewish schools, which generally support public funding for their secular programme only;

4) Protestant denominational schools which generally support full public funding for their operational budgets;

5) Protestant denominational schools which oppose public funding;

6) schools represented by the Conference of Independent Schools which oppose direct public funding;

7) schools for special education which present a particular case for public funding.

### *(1) Public School Boards*

The general trend in briefs from public boards, and organizations and individuals associated with the public school system, is for almost unanimous opposition to the provision of public funds in any form for private schools.

> The Board has requested that we inform you it is opposed to public funds being used for this purpose.[1,2]

> The private schools should remain just that . . . private.[3]

Concerns are expressed for an exacerbation of the presently perceived segmentation within the educational system.[4] It is, moreover, felt that the provision of funds for private schools would have a divisive or fragmenting effect upon our society.[5]

> The resultant fragmentation can only lead to the destruction of the pluralistic nature of our society.[6]

Furthermore, it is argued that any support for private schools will mean the siphoning off of special interest groups thereby denying the public school system its needed pluralistic population. The public schools may then become, it is suggested, a repository for the less motivated children, the very children who most need the company of the more motivated children who have so much to offer in shared friendship, in ideas, in leadership, and who, in turn, have so much to gain in tolerance, humility and understanding.[7] It is felt that only the public school system can integrate individuals with diverse beliefs, philosophies and attitudes[8] within a system that allows for a sharing of ideas and approaches that is both healthy and beneficial to all students.[9] In addition, it is suggested that in a single publicly funded system, the equality of educational opportunity is more likely to be achieved. As summarized by the Oxford County Board of Education:

> Those involved with public education believe that their system stands for equal rights and opportunities for all, that the public education system can fully serve the needs of Ontario in a free, democratic society, that public education provides a gateway of opportunity for students of all abilities, regardless of sex, race, religion or colour. They believe that the public education system fosters the tolerance essential to the maintenance of a democratic society.[10]

The overwhelming majority of all non-public schools are religious schools. While neither the value of the study of religion nor the quality of service provided by private schools is generally denigrated by public school constituencies, serious concerns are expressed at the possibility of public funds being provided for these private institutions. The view is taken that it would be just as inappropriate to provide public funds for the inculcation of a particular faith stance in a private school as it would be to use those funds for the same purpose in a public school (the Roman Catholic separate school system being deemed legally excepted from this argument).[11]

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[1] Briefs are numbered in the order they were received by the Commission and may be accessed through ONTERIS either by brief number or by author's name.

[2] Brief #306, Elgin County Board of Education, p. 1.

[3] Brief #301, Hastings County Board of Education, p. 3.

[4] Brief #226, Wellington County Board of Education, p. 1.

[5] See, for example, briefs #195, 202, 209, 225, 226, 385 and 421.

[6] Brief #209, Ontario Secondary School Teachers' Federation, p. 13.

[7] Brief #138, Ontario Association of Education Administrative Officials, p. 4.

[8] Brief #225, Brant County Board of Education, p. 1.

[9] Brief #226, Wellington County Board of Education, p. 1.

[10] Brief #246, Oxford County Board of Education, p. 2.

[11] Brief #74, Chairmen and the Directors of Education of the Seven Public School Boards in Metropolitan Toronto, pp. 24-27.

While it remains, at least in many cases, an open question as to whether or not the religious education offered in private schools constitutes indoctrination, other practices by these institutions are clearly held by public school supporters to be discriminatory and hence to provide little basis for entitlement to public funds.[1] Further, it is maintained that public funds should not be provided for educational institutions engaging in discriminatory employment practices or enjoying selective enrolment advantages.[2] On even wider grounds:

> The (Association) is opposed to the provision of public funds or tax rebates to private schools because of their lack of public accountability, restrictive admission policies, and their disparity in requirements for teachers.[3]

A number of writers acknowledge a parental right of freedom of choice for a child's education.[4] Nevertheless, the position generally is that parents may choose private institutions but the system of governance[5] and the very principle of independence[6] upon which the institutions are founded preclude their receipt of public funds.

> They are clearly intended to cater to an exclusive group's particular emphasis, methodology, or creed. While a fundamental freedom demands that such private interests must have a right of expression, simple justice insists that they NOT be paid for by the public.[7]

While it is understood that this approach may place a financial burden on the parents of private school students, considerable concern is also expressed by the public school groups that the provision of funds even to alleviate this burden would have a seriously detrimental effect upon the already inadequate fiscal base of the public school system.[8]

> Considering the decreasing levels of financial support for education in general in the province at present, it seems incomprehensible that one might consider dividing up what little funds there are to an even greater extent by contemplating public funding support for private schools.[9]

Such funding is seen as likely to lead to increased public school closings,[10] the erosion of the ability of public schools to provide equal education for all,[11] the reduction of the range of programmes and services any one public system might offer at an acceptable standard,[12] and the inability of the public system to provide the necessary learning environment.[13]

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[1] See, for example, briefs #74, 157, 161, 172, 195, 202, 284 and 301.

[2] Brief #301, Hastings County Board of Education, p. 3.

[3] Brief #203, Ontario Teachers' Federation, p. 7.

[4] See, for example, briefs #74, p. 27; #138, p. 1; #209, p. 22; and #226, p. 1.

[5] See, for example, briefs #74, p. 19; and #209, p. 19.

[6] See, for example, briefs #190, 203 and 224.

[7] Brief #284, Ontario Secondary School Teachers' Federation, District 23, p. 4.

[8] See, for example, briefs #105, 157, 202, 203, 225, 226, 227, 246, 285, 301, 387 and 413.

[9] Brief #246, Oxford County Board of Education, p. 1.

[10] Brief #226, Wellington County Board of Education, p. 1.

[11] Brief #285, Ontario Secondary School Teachers' Federation, District 1, p. 6.

[12] Brief #105, Renfrew County Board of Education, p. 2; brief #301, Hastings County Board of Education, p. 2.

[13] Brief #227, Perth County Board of Education, p. 1.

That the public educational system does serve the needs of Ontario is suggested by a number of writers.[1] Further, the values reflected by the boards of education are seen as the shared values of almost all Canadians, irrespective of their religious background.[2] That is, the relatively secular, humanistic nature of the public schools is seen by some to truly reflect the current societal conditions in Ontario and Canada.[3] It is suggested by comparison that there is no guarantee that independent schools will in fact inculcate basic values and provide programmes that will ensure a student a productive future and schooling for responsible citizenship.[4]

> Public school boards provide a full and sophisticated range of programs to many different kinds of students, from children to adults. They do not limit access to their schools; indeed they seek to extend that access as widely as possible. They are not permitted to charge fees for extended or enriched services of any kind, even where the public and/or consumer would willingly approve such an arrangement. They are not able to avoid particularly expensive programs by limiting their offerings. As a result, students of all kinds, taking very different programs, meet and study together in a common environment; they learn to appreciate each other's differences, developing a commitment to renewal of a democratic society. While differences in language, religion or social class are respected, they are not intensified.[5]

Not all writers in this group support the contention that the public system is actually realizing its full potential.

> We recognize that the public education system has not yet reached the ideal of equal opportunity. It still strives toward it.[6]

It is suggested, however, that rather than fund private schools for the diversity that they might offer, it would be better for the government to provide appropriate forms of diversity within the public system.[7] The duplication of programmes in different systems is seen as a drain on the provincial purse and costly to the local taxpayer.[8] It is suggested, rather, that ways may be found to encompass within the public system opportunities for meeting a variety of needs. For example:

> Given that an understanding of religion is essential in a well-rounded education, those responsible for education must give serious attention to how this should be accomplished by the public school system within a pluralistic society in which a vast range of religious beliefs, as well as non-belief in a deity, are represented in the adult population.[9]

Authors of those few public school briefs in which funding for private schools is not categorically opposed are cautious in their approach to possible support:

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[1] See, for example, briefs #27 and 246.

[2] Brief #138, Ontario Association of Education Administrative Officials, p. 5.

[3] Brief #157, Federation of Women Teachers' Associations of Ontario, p. 1.

[4] Brief #195, Timiskaming Board of Education, p. 2.

[5] Brief #172, Peel Board of Education, p. 2.

[6] Brief #157, Federation of Women Teachers' Associations of Ontario, p. 6.

[7] Brief #225, Brant County Board of Education, p. 2.

[8] See, for example, briefs #190, p. 3; #226, p. 2; and #389, p. 2.

[9] Brief #74, Chairmen and the Directors of Education of the Seven Public School Boards in Metropolitan Toronto, p. 23.

> The independent schools provide a service and play a role in best serving the desires and aspirations of our diverse society. Therefore, (we) favour an extension of public funding, under carefully controlled circumstances, to the Province's Private Schools.[1]

Suggested conditions for the possible receipt of public funding include: the private school offering vocational and business educational opportunities;[2] verification of the *raison d'être* of the institution as an addition or complement to the public system;[3] public accountability and the affiliation of the school with a public board;[4] universal accessibility, staffing with Ontario certificated teachers who are members of the Teachers' Federations;[5] and membership in a unified school board.[6]

One representative body whose brief is endorsed by a number of public boards developed this last condition into a proposal that is directed at producing less "division" within Ontario education:

> With appropriate legislation, one umbrella educational governing body could encompass Roman Catholic education, public school education, French Language education, native education and approved alternative education.[7]

The concept of private schools participating in an umbrella school board in order to be eligible for public funding finds support with a number of writers[8] but is not entirely acceptable to others who prefer an even more consolidated approach:

> The answer is not further fragmentation, but a unification of education services in geographic areas under a unified board of education which would offer all education services to the community — French, English, public, separate, and special education. This is the only sensible direction to move in to ensure the most efficient use of the limited financial resources available for education, assuming that the politicians resist the vested interests involved for the common good.[9]

### *(2) Separate School Boards*

The submissions from the Roman Catholic separate school system, Roman Catholic independent schools, and affiliated organizations, groups and individuals generally support the provision of public funds for private schools (in any case at least private religious schools), although generally a point is made for such funding only where the institution is operated by Ontario residents for the education of the children of Ontario residents.[10] Although a number of these writers suggest that the procedures for public funding should include the involvement of one of the two publicly funded school systems,[11] few of them suggest a specific funding procedure, the most frequent recommendation being a grant to the private school that is a percentage of the per-pupil operational grant made to the public schools.[1]

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[1] Brief #160, North Shore Board of Education, p. 1.

[2] Brief #468, Manitoulin Board of Education, p. 1.

[3] Brief #160, North Shore Board of Education, p. 2.

[4] Brief #156, Cochrane Iroquois Falls Board of Education, p. 2; brief #451, Ottawa Board of Education, pp. 1-2.

[5] Brief #419, Leeds and Grenville County Board of Education, p. 2.

[6] Brief #243, Directors of Public Boards of Education in the Province of Ontario, p. 2; brief #246, Oxford County Board of Education, p. 2.

[7] Brief #243, Directors of Public Boards of Education in the Province of Ontario, p. 4.

[8] See, for example, briefs #156, 161, 209, 226, and 246.

[9] Brief #209, Ontario Secondary School Teachers' Federation, p. 20.

[10] Brief #140, Lincoln County Roman Catholic Separate School Board, p. 4.

[11] Brief #149, Waterloo County Separate School Board, p. 1.

Numerous submissions stress the prior right of parents to select the means of providing the child with an education.

> Since parents have the first and, in our opinion, the prior duty and right to educate their children, they must, therefore, enjoy true freedom in their choice of schools. The state, which exists to oversee and defend the rights and liberties of its citizens, ought to ensure that distributive justice is evident in the way in which public resources are allocated so that, when selecting schools for their children, parents are genuinely free to follow their consciences.[2]

Thus, the argument for funding in these briefs often depends upon the alleviation of the financial burden imposed upon parents who exercise their options in the provision of education for their children[3] rather than upon grounds of religious equality. It is argued that schools of parental choice: (a) "should be allowed to vary substantially from each other in values, curricula, pedagogy and philosophy"; (b) are "justified by Ontario's democratic and pluralistic society"; (c) should be subject to "specific but limited government controls".[4]

It is sometimes suggested in these briefs that a prerequisite for eligibility for public funding would be the successful operation of the private school for at least three years[5] and that public funding should be phased in over a three year period following the meeting of this prerequisite.[6] Other funding conditions frequently recommended include the meeting of minimum curriculum standards[7] or being subject both to all the terms and conditions of the *Education Act*, and to the regulations and requirements of the Ministry of Education.[8]

While regular inspection of private schools by Ministry of Education officials is generally supported, there is not complete agreement among the submissions in this group with regard to the issue of staffing. There is some support for the requirement of Ontario teacher certification or its equivalent,[9] but elsewhere it is suggested that subject only to the Ontario Human Rights Code, the private school, even if receiving public funds, should be allowed to maintain employment practices which ensure the retention of the special character of that school.[10] Few briefs from the Roman Catholic separate school community address the issue of student admission. When this issue is considered, it is usually recommended either that completely open registration be a prerequisite for receipt of public funds,[11] or that "admission practices and the value orientations in the school be consistent with the laws of the Province of Ontario relating to racial and religious attitudes, employment and admission practices".[12]

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[1] See, for example, briefs #201, 211, 223, 245 and 305.

[2] Brief #211, Hamilton-Wentworth Roman Catholic Separate School Board, p. 9.

[3] Brief #140, Lincoln County Roman Catholic Separate School Board, p. 2.

[4] Brief #223, London and Middlesex County Roman Catholic Separate School Board, p. 2.

[5] Brief #305, Metropolitan Separate School Board, p. 4.

[6] Brief #201, Dufferin Peel Roman Catholic Separate School Board, p. 12; brief #503, Ontario Separate School Trustees Association, p. 8.

[7] Brief #245, Wellington County Separate School Board, p. 2.

[8] Brief #420, Welland County Roman Catholic Separate School Board, p. 5.

[9] See, for example, briefs #201, 211, 305 and 503.

[10] Brief #211, Hamilton-Wentworth Roman Catholic Separate School Board, p. 17.

[11] Brief #210, Ottawa Roman Catholic Separate School Board, p. 8.

[12] Brief #211, Hamilton-Wentworth Roman Catholic Separate School Board, p. 18.

Several separate school submissions address possible relationships between private schools and the public school systems.[1] It is suggested that private schools interested in sharing in public funds could consider a form of dual governance that would allow the school to retain its own governing council while seeking affiliation with a neighbouring publicly supported system, whether a separate board or public board.[2] Affiliation with boards would be an option which if not exercised would leave the school with its "private" status[3] and without eligibility for public funding.[4] It is further suggested that the governing body of the affiliated school be "adequately representative of the parents whose children attend the school", that this body "shall supervise the operation of the school", and that the school operate on a non-profit basis in order to be eligible for public funding.[5]

Those private schools affiliated with a board of education or a separate school board could share in the services of that board on a net cost basis.[6] That is, the board accepting affiliation — and it is unclear as to the optional nature of such agreement on the part of that public or separate board — could charge the private school for the costs of the public school's services.

### *(3) Jewish Schools*

The majority of submissions from Jewish private schools, related organizations and individuals condemn "double taxation" as an inequitable situation which penalizes parents financially for adhering to their religious and moral beliefs.

> At present parents of children attending private schools are paying their full share of provincial and school taxes and paying in addition for their children's education. This amounts to double taxation and is inequitable and unfair. Moreover, . . . it is not necessary for public funding to be limited to the "public schools" in order to fulfill the state's obligation to ensure universal access to education of certain standards.[7]

It is pointed out that for religious Jewish parents, educating their children at "Jewish schools" both at the elementary and high school level is a fundamental aspect of their religion.[8] It is suggested that the public sector is unable to provide Jewish children with either this necessary religious education or an understanding of their own cultural tradition as part of the pluralistic society on which Canada is founded. Therefore, the Jewish schools ought to be viewed as a legitimate and positive factor in the Canadian mosaic and, therefore, worthy of public support.[9]

The right of parental choice of school coupled with requests for equality of treatment when compared to Roman Catholic denominational schools form the additional bases of the argument from many individuals. In the absence of public funding the danger of private school alternatives becoming available only to the financial elite is also a strongly expressed concern.[1]

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[1] See, for example, briefs #140, 210, 211, 245 and 420.

[2] See, for example, briefs #140, 210, 211 and 420.

[3] Brief #140, Lincoln County Roman Catholic Separate School Board, p. 3.

[4] Brief #420, Welland County Roman Catholic Separate School Board, p. 5.

[5] Brief #211, Hamilton-Wentworth Roman Catholic Separate School Board, p. 13; brief #245, Wellington County Separate School Board, pp. 1, 2.

[6] Brief #211, Hamilton-Wentworth Roman Catholic Separate School Board, p. 12.

[7] Brief #196, Ottawa Talmud Torah Board, p. 6.

[8] Brief #241, Ner Israel Yeshiva College of Toronto, p. 2.

[9] Brief #235, Yeshivat Bnei Akiva or Chaim School, p. 11.

The public funding formula most commonly recommended by this group is that of per capita operational grants to schools. Since these briefs suggest that such funds would apply to the General Studies (i.e., secular) and not to the Jewish Studies (i.e., religious) programmes of the Jewish schools,[2] the implicit recommendations would appear to be for partial rather than full public funding.

Adherence to Ministry of Education guidelines relating to the curriculum in the General Studies programme is generally accepted by these schools as is the requirement that only certified teachers should be hired for this secular part of the school programme.[3] Teachers hired for the secular programme would not be required to adhere to the Jewish religion but would be expected to respect the religious and educational philosophy of the school while presenting the students with a balanced view on topics touching on philosophical or ethical matters.[4]

On the issue of open admission of students, the Jewish schools generally wish to retain control over the selection and retention of students. These schools, it is pointed out, are designed to serve the particular needs of the Jewish community,[5] and it is stated that:

> Because the very nature of a school is dependent upon the commitment of its staff and the composition of its student body, guidelines directed to total openness in hiring practices and admissions policies would likely have the result of destroying the independence and uniqueness of the school and should be avoided.[6]

The exact implications of this general position are not uniform among the various briefs from the Jewish schools. At least one of these submissions recommends that the Jewish schools, if publicly funded, would be open to all students whose parents agree to have their children participate in the full range of programmes offered by the school,[7] but the more common position is that these schools would be open to Jewish children only.

### *(4) Protestant Denominational Schools (Supporting)*

The majority of briefs from these private schools (most commonly fundamentalist/evangelical in orientation) and associated individuals, organizations and groups support the provision of public funds for schools in the private sector. It is argued that to do so would serve the purposes of fairness[8] and justice[9] especially when the schools in question may be seen to be providing a high standard of education for the children they serve.[10] Moreover, parental choice of school is seen as a prior right.[11]

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[1] Brief #196, Ottawa Talmud Torah Board, p. 5; brief #199, Ontario Jewish Association for Equity in Education, p. 11.

[2] Brief #199, Ontario Jewish Association for Equity in Education, pp. 6, 16.

[3] Brief #204, Associated Hebrew Schools of Toronto, p. 10.

[4] Brief #241, Ner Israel Yeshiva College of Toronto, p. 37.

[5] Brief #248, Bialik Hebrew Day School, p. 5; brief #457, Principals Association of Jewish Day Schools, p. 12.

[6] Brief #322, Leo Baeck Day School, p. 10.

[7] Brief #204, Associated Hebrew Schools of Toronto, p. 5.

[8] See, for example, briefs #148, 163 and 331.

[9] See, for example, briefs #60, 88, 176, 228, 252, 298, 309 and 328.

[10] See, for example, briefs #168, 214, 228, 259 and 417.

[11] Brief #414, Ontario Association of Alternative and Independent Schools, Appendix B.

> Every child in Ontario shall be guaranteed, through a system of equitable public funding, an elementary and secondary education in a school that is chosen by his or her parents and that meets acceptable social and educational criteria.[1]

It is further suggested that, without some form of assistance, this right to choose a school environment appropriate to the parental value system may be denied as a result of the financial discrimination[2] arising from the "double taxation" system whereby parents supporting these schools are unable to direct their tax monies to the chosen school.[3]

In addition, the presence of Protestant denominational schools in Ontario is seen as contributing to the pluralism that reflects the democratic principles upon which Canadian society is grounded.[4]

> Pluralism is threatened when government actively promotes one view and way of life and strongly discourages the others. Forcing all people to think the same way, by officially sanctioning certain values to the exclusion of others, violates their God-given humanity and creativity. To make pluralism a living reality in our society, government must provide equitable structural opportunities and financial incentives for groups to express their beliefs collectively and institutionally. It should do so within the framework of legislation that protects all and discriminates against none.[5]

In briefs from supporters of Christian schools the reason most cited for sending children to these schools is the Christian ethic espoused by the institutions. Education and religion (in this case, Christianity) are seen as indivisible.

> Education is inherently and inescapably religious in the sense that we believe all education grows out of a conviction as to how the world ought to be.[6]

The schools see each school subject not only in its own right but also as a means of teaching a life view. One association representing some of these schools expresses their educational mandate as one of directing and guiding the child to commit his heart to Christ the Truth, to attain understanding, wisdom and righteousness, and to perform his competent and responsible service to church, state and society.[7] This organization states in its *Principles Concerning Government Relations* that:

> Our schools exist by the grace of God, for the purpose of glorifying His name, and to guide children and youth to dedicate themselves to performing competent and responsible service to the Lord in church, state and society. We trust that He will continue to support and prosper them. Therefore, public funding is not essential for survival of the Christian school movement in Canada.[8]

The final sentence notwithstanding, most of these briefs do, as stated previously, support the provision of substantial (in many cases, full) operational funding for Christian schools. At the same time, concerns are expressed regarding the conditions that may attach to such funding.[1]

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[1] See, for example, briefs #88, 120, 153, 309 and 328.

[2] See, for example, briefs #88, 165, 252, 259, 318, 328 and 428.

[3] See, for example, briefs #58, 75, 100, 108, 115, 135, 155, 162, 165, 197, 237, 249, 255, 256, 264, 298, 312, 415 and 416.

[4] See, for example, briefs #132, 155, 214, 237, 257, 259, 264, 298, 313 and 417.

[5] Brief #298, Citizens for Public Justice, pp. 7-8.

[6] Brief #439, Alliston Community Christian School, p. 1.

[7] Brief #416, Ontario Alliance of Christian School Societies, p. 74.

[8] *Ibid.* p. 83.

> Private schools are fearful of losing their independent nature. It is recognized that public support must carry some form of accountability, but it would be unfortunate if private schools were to lose their freedom to operate in the best interest of their stated purposes and objectives and of their students.[2]

A number of writers indicate that there should be no new constraints or conditions attached to public funding and that schools should have the right to exist free from all government intervention if they choose to operate without funding.[3] Some submissions do acknowledge the need for financial accountability[4] while others acknowledge the government's right to be involved in certain aspects of the schools' operation. One Christian school representative organization states that:

> In areas where the government has the authority to enforce basic standards of operation and competence for the public good, we agree that discussions with the Minister of Education on complex professional matters (such as curriculum design, teacher qualifications, student evaluation, program development) be conducted by the Ontario Alliance of Christian Schools in consultation with the Ontario Christian School Teachers Association and the Ontario Christian School Administrators Association.[5]

This organization finds itself in agreement with a number of other representative bodies in arguing for the protection of the autonomy of each Christian private school in the areas of hiring practices, admission policies, and the determining of a curriculum that reflects the particular philosophy of the school.[6] However, at least one other representative group suggests that, to be eligible for public funding, a private school should meet the requirements of all general government guidelines for education in respect of curriculum and staffing.[7]

By and large, however, there is, in this group, a strong desire to retain control over both the appointment of teachers and the admission of students, although a few briefs indicate that teacher certification should meet provincial standards or their equivalent[8] sometimes with the proviso that potential teachers must subscribe to the philosophy of the school.[9]

> We would welcome a teacher certification program as long as it made provision for teachers presently in Christian schools to attain certification by virtue of their experience. ... As the selection of teachers is the single most important of our decisions, we would consider it essential to retain freedom in this area. We do not seek the freedom to hire anyone, as our last point makes clear, but the freedom to refuse employment to anyone who is not committed to the religious convictions expressed in our constitution.[10]

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[1] See, for example, briefs #34, 197, 217, 228, 249, 252, 256, 257, 416 and 470.

[2] Brief #249, Grenville Christian College, p. 2.

[3] See, for example, briefs #88, 135, 153, 154, 162, 163, 217 and 328.

[4] See, for example, briefs #148, 166, 256 and 417.

[5] Brief #416, Ontario Alliance of Christian School Societies, p. 84.

[6] Brief #176, pp. 17-18; brief #414, Appendix B; brief #416, pp. 83-84.

[7] Brief #237, Canadian Reformed School Society of Brampton-Toronto, p. 7.

[8] See, for example, briefs #99, 214, 252, 255, 309, 323, 324 and 416.

[9] See, for example, briefs #214, 255 and 324.

[10] Brief #36, Muskoka Association for Christian Education, p. 1.

The greater number of briefs within that grouping states, in effect, that control of hiring and admission policies must remain within the control of the school. For example:

> We already follow ministry guidelines in the development of our curriculum, but we would want the right to hire teachers who have a commitment to our Christian philosophy and the right to enroll families that would genuinely support our total school program.[1]

> Our Christian schools desire to perpetuate the current right to set out our own admission requirements in keeping with each school's distinctive qualities. It is understood that students and parents must accept the principles, philosophy, and regulations of our Christian schools which usually includes the requirement of full compatibility of belief and lifestyle. ... Our Christian schools want to retain the existing right to expel students when the terms of admission have not been honoured by the students and/or parents. ... Our Christian schools must retain the right which we presently enjoy to select, employ, direct or dismiss teachers in accordance with our Christian philosophy of education.[2]

> It is essential that we continue to be free to choose our own teachers: any school teaching values not held by the majority of citizens would immediately lose its identity if it was not permitted to screen its teachers. Finally, we must continue to be free to limit our membership to those who subscribe to our respective constitutions.[3]

### *(5) Protestant Denominational Schools (Opposing)*

A few Protestant denominational private schools stress the importance of the separation of church and state in education.

> A church school is not a "private school" in our thinking. ... We do recognize the right and responsibility of parents to individually and collectively (church) provide for our academic, social and moral development of their children without government permission or control.[4]

For these groups, any form of government control tends to be rejected.

> Any government intervention would deny us this responsibility, would keep us as a people and collectively as a church, from fulfilling our God-given mandate.[5]

Even where it is suggested that tax credits for education should be allowed to follow the child to the school of choice, considerable concern is expressed about the possible loss of specific identity for the school.[6]

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[1] Brief #259, Emmanuel Christian Academy, p. 3.

[2] Brief #475, Confederation of Canadian Christian Schools, pp. 2-3.

[3] Brief #264, Ottawa Christian School/Redeemer Christian High School, p. 2.

[4] Brief #28, Bible Baptist Temple, p. 1.

[5] Brief #299, Fundamental Baptist Preachers Fellowship, p. 2.

[6] Brief #89, Central Baptist Academy, p. 2.

Several writers support the contention that:

> Since the public system no longer holds to such a (Christian-Judaeo) tradition but attempts to embrace every religious belief and in reality emphasizes a humanistic approach to education we believe in the necessity of schools like our(s).[1]

The freedom to be able to select the school providing the child's education is seen to be sufficient without requiring funding.[2] Independence is valued more highly than government funding, the acceptance of which:

> would soon direct ministry or government involvement in the classroom, and/or regulations regarding curriculum or teaching methods and procedures.[3]

### *(6) Conference of Independent Schools*

The approach by this group of schools to the question of public funding is one of great caution.[4]

> In our view, direct public funding is unlikely to be compatible with the nature of our independence. . . . Any proposal for indirect public funding of independent schools (should) be examined with care to ensure that such funding would not compromise the freedoms essential to their independence.[5]

Considerable concern is expressed for loss of autonomy even where writers suggest some form of indirect funding such as government provision of print and non-print materials,[6] redirection of taxes[7] or tax rebates to parents:[8]

> If the presumption is . . . that the institution of public funding will bring greater government oversight ("He who pays the piper calls the tune . . ."), then Ridley College would not be likely to accept such funding.[9]

Concern is also expressed over the perceived growth of government restraints imposed upon independent schools even in the absence of any public funding programme.[10]

> We share with many schools, both public and independent, a growing anxiety concerning the increasingly prescriptive nature of Ministry guidelines. Too often, central directives discourage teachers and schools from being innovative, or make it difficult or impossible for a particular school to meet the special needs of its students.[11]

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[1] *Ibid.* p. 1.

[2] Brief #315, Pineview Mennonite School, p. 1.

[3] Brief #316, Cornerstone Christian School, p. 2.

[4] Brief #261, Trinity College School, p. 4; brief #462, Upper Canada College, p. 5.

[5] Brief #459, Conference of Independent Schools, pp. 3-4.

[6] Brief #231, Elmwood School, p. 1.

[7] Brief #219, Toronto French School, p. 3.

[8] Brief #261, Trinity College School, p. 5; brief #435, Ashbury College, p. 15.

[9] Brief #325, Ridley College, p. 1.

[10] See, for example, briefs #261, 325, 435, 459 and 462.

[11] Brief #462, Upper Canada College, p. 5.

Autonomy in a number of areas of governance is important to these schools. In both student admission and teacher hiring policies the general preference is for the school to retain absolute control. Typical is the following:

> Public educational policy (should) recognize the freedom of independent schools to select their own staff members in order that each can foster and serve its own educational philosophy and distinctive characteristics so as to meet the various and particular needs of its students. Recognizing the great contribution that has been made to education in the independent schools by many individuals of diverse backgrounds and talents whose gifts would be lost by the application of the narrower requirements for teaching qualifications in the public system . . . the selection of teachers (should) not be restricted only to those who hold provincial certification. . . . Public educational policy (should) recognize the freedom of each independent school, in order to best serve its students' needs, to choose students who it thinks will successfully cope with and benefit from the academic standards, educational philosophy, and special programmes of that particular institution.[1]

Various submissions cite the contribution that such schools have made and are making to the diversity and quality[2] of education within Ontario while at the same time providing parents with a freedom of choice in the education of their children. Moreover,

> it is the very existence of independent and alternate schools which can help ensure that public education remains vital and responsible.[3]

### *(7) Schools For Special Education*

It is argued in a number of briefs from organizations and individuals that the special education services provided by certain specialized private schools cannot be equalled in the public sector.[4] Many of the writers present a particular case history in support of this contention. For example:

> Not only have his grades improved substantially; he passed all subjects last year, including math; his attitude which was one of extreme frustration brought on by his inability to cope in school has improved remarkably.[5]

Smaller class sizes, residential settings, the special qualifications of staff, and the collegial, family atmosphere are among the factors cited as conducive, within the private school sector, to meeting the special needs of learning disabled and exceptional children. Such schools, it is suggested, provide programmes that are not available in the public system.[6] In other cases, however, these schools are perceived to function in a remedial capacity for certain social problem children or even in a caretaking function where boarding privileges are incorporated.[7] It is further suggested by some that the public systems have failed in their mandate.

> The Ministry of Education generally, and school boards in particular, have failed, and are still failing, to provide adequate education for the learning disabled student. The greater injustice lies, not in the inability to provide

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[1] Brief #459, Conference of Independent Schools, pp. 2-3.

[2] See, for example, briefs #81, 176, 219, 231, 325 and 459.

[3] Brief #462, Upper Canada College, p. 2.

[4] See, for example, briefs #19, 40, 45, 80, 109, 112, 218, 262, 292, 311, 367, 369, 381, 383, 443 and 460.

[5] Brief #112, J.F. Nelson, p. 1.

[6] See, for example, briefs #218, 262, 292 and 311.

[7] Brief #385, Ontario Secondary School Teachers' Federation, District 11, p. 2.

> programs, but in the refusal to admit that appropriate programs are not available, thus effectively cutting off all possibility of the student obtaining alternative help.[1]

It is argued that, despite the enactment of relevant legislation, the majority of public boards neither will be able nor can be expected to be able to provide for the needs of all children.[2] This brief, from the private sector, finds some support from a public sector submission:

> Despite the fact that funding to local boards has been reduced, the provincial government has enacted Bill 82 which requires appropriate education for all students according to their needs. . . . At this time, local boards and teacher groups are concerned that provincial funding will not keep up with these extra demands on the education system, and students without special needs should not be made to bear the burden.[3]

Alternatively, it is argued by others[4] that public boards have met and are meeting the needs of all children, including those requiring special education.

Recommendation is made in a number of briefs in this area for public boards to be empowered to purchase such special education services from the private sector.[5] This is apparently suggested as an alternative to providing funding (as is suggested by some) through public grants to private schools offering special education services.

> Specifically, a school board should have the right (by law) to purchase an educational programme for a "hard to serve" student from an *independent school* which is recognized and approved by the Ministry of Education.[6]

This option is not, however, agreeable to all. There are some[7] for whom operation within the public system is a *sine qua non* for any public funding.

* * *

In reflecting on the views of Ontarians as revealed in the public opinion polls, the informal consultations, and the written briefs, several broad generalizations can be made, albeit on the understanding that such generalizations hide important differences in detail. First, there remains in the minds of most Ontarians strong support for the maintenance and adequate funding of a strong non-denominational public school system. Second, the majority of Ontarians appear not to favour the public funding of private schools, but a very substantial minority group believes that such funding is required not only on legal and/or moral grounds but also in terms of future benefits to both the public school system and the province as a whole.

Third, a review of the written briefs and informal consultations suggests three common arguments that are put forward in favour of the public funding of private schools. These three arguments are: (a) the prior right of parents — in the name of either natural law or the importance of maintaining sub-cultural identities in a multicultural society — to select, free from financial considerations, the kind of education they believe to be appropriate to their child(ren); (b) the perceived discrimination in the Province providing to the Roman Catholic community an educational option not offered to other communities — at least other religious communities; (c) the alleged inequity arising from the "double taxation" of parents who must pay both private school tuition fees and their share of the education taxes raised in support of the publicly funded schools.

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[1] Brief #80, Sheila Morrison Schools, p. 3.

[2] Brief #483, Remedial Teaching Centre, p. 1.

[3] Brief #285, Ontario Secondary School Teachers' Federation, District 1, pp. 5-6.

[4] See, for example, briefs #74, 147 and 284.

[5] See, for example, briefs #30, 218, 292, 293 and 443.

[6] Brief #30, Bleiweiss Centre for Learning, p. 12.

[7] Brief #74, Chairmen and the Directors of Education of the Seven Public School Boards in Metropolitan Toronto, p. 16.

Fourth, the briefs and informal consultations also suggest three common arguments put forward against any public funding for private schools. These arguments are: (a) whatever one's views about the funding of private schools in principle, the present constraint on resources in the public schools in relationship to the breadth of their mandate make any programme designed to extend public funding to other schools inappropriate at this time; (b) that in a heterogeneous society such as Ontario, the role of the public schools in providing a common acculturation experience for young citizens and thereby building the social cohesion, tolerance and understanding necessary to our common future should be reinforced rather than set aside; (c) that only in a context in which almost all young people attend the common public schools can these schools even potentially act so as to provide equality of educational opportunity for those of the young who do not bring to schooling particular advantages of background and experience.

Fifth, no clear consensus emerged as to appropriate conditions that might be attached to the public funding of private schools if such a policy be developed and implemented.[1] There was agreement that the areas of interest in this respect were curriculum content, student admission (and expulsion) policies, and qualifications of staff. Essentially the differences were between those concerned with the autonomy of the private school — suggesting relative freedom for such schools in the areas of curriculum, teacher qualification, and student admissions — and those more concerned (especially if public funding were to be provided) that private schools live up to the public standards in these areas, that is, limit hiring to certified teachers; maintain open access by students to the school; and conform to at least the minimum requirements of the Ministry of Education's curriculum guidelines.

Finally, there was also no clear consensus as to the appropriate form which public funding should take, if such funding were to be made available. The most frequently suggested forms were per capita grants to qualifying private schools (the method used in many other Canadian provinces) and the freedom for parents to direct their education taxes to the school(s) of their choice. Also suggested by many were tuition tax deduction and tuition tax credit approaches. Somewhat surprisingly in the light of the many public discussions of the strategy, very few of those who were consulted or those who chose to write briefs were prepared to recommend — as a strategy of funding — a scheme that focussed on educational vouchers.

* * *

The history of private schools in Ontario (see Chapter II), the public policy options supported by the approaches of other jurisdictions (see Chapter III), and the views of Ontarians (as described above) provided a context for the Commission's own considerations. The recommendations of the Commission are outlined in the following chapter.

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[1] It is worth noting in this context that a large grouping of private (independent) schools did develop some years ago a concensus about appropriate conditions for funding. The concensus was outlined in "Public Rights and Public Responsibilities", a statement adopted by the Ontario Association of Alternative and Independent Schools, January 18, 1982. This concensus was not, however, fully reflected in the submissions to the Commission from either the public or private school constituencies.

## Chapter V

# THE PUBLIC FUNDING OF PRIVATE SCHOOLS: THE RECOMMENDATIONS OF THE COMMISSION

> Private schools have long been a major source of perpetuated division and the demarcation of privilege, status, esteem, power, opportunity and expectation.
>
> Neil Kinnock, 1981

> A primary function of private schools is to make visible an otherwise invisible collectivity, to draw together a public that shares similar preferences. The private school is both a symbolic and an actual representation of valued moral and intellectual goods.
>
> George Grant, 1981

It was suggested at the outset of this Report, and it bears repeating at this juncture, that there is no absolute answer to the question of the extent to which public monies should be used to support the education of persons attending elementary and secondary schools not themselves owned or operated by government bodies. In a democratic and heterogeneous society, any existing policy in this area is the result of the interaction of many factors and the current arrangements can and should be expected to alter over time. Further, in considering what — if any — change(s) would be appropriate for Ontario at the present time, one cannot look to other jurisdictions and/or the available research results for easy guidance. With regard to other jurisdictions, their experience, although often informative, is always conditioned by their special social and cultural history. Therefore, extrapolation to Ontario — even from other Canadian provinces — can never be either simple or straightforward.

With regard to the available research, there are two problems. First, although the pace of inquiry has quickened in the last several years, research in the area of private schooling has not, in fact, been extensive.[1] Thus, the results of this research tend to be fragmentary and suggestive rather than cumulative and definitive. This point is well illustrated in the largest and most comprehensive of the recent studies, that undertaken by Coleman and his colleagues in the United States.[2] In this study of 58,728 students in 1,016 high schools, it was shown — among other things — that private high schools did produce higher levels of academic achievement than did public high schools with similar students — at least to the extent to which one could accept the validity of the statistical procedures used to adjust for the self-selection of students and their families to the private school sample. It was also observed, however, that private high schools were more likely than their public counterparts to stress academic activities, school attendance, homework assignments, and classroom discipline. Thus, it is not clear that the observed differences in achievement can be accounted for by the public or private status of the school. An alternative explanation lies in the apparent strength of the relationship between specific school policies and resulting student achievement. That is, it could be argued that private high schools produce higher academic achievement than public high schools with similar students not because these schools are private but because, as a matter of specific policy, they create higher rates of engagement in academic activities, enforce stronger classroom discipline, assign more homework, etc. From this perspective, the importance of the Coleman data is that they indicate that schools can make a difference in the lives of children and are not necessarily "sociological cookie cutters" relegated to distributing credentials in accordance with predetermined social class categories. If true, this finding is crucial, for school reform would be irrelevant if schools had no effect. Reform would then only obscure the true sources of inequality, namely the advantages conferred on children by their place in the genetic and/or social structure.

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[1] In this regard, the Commission is particularly grateful to the Department of Education in Alberta and the Ministry of Education in British Columbia both of which were extremely generous in sharing with the Commission their extensive and recent work in this area.

[2] Coleman, James and others, *Public and Private Schools*. National Center For Educational Statistics, Washington D.C., 1981.

Second, and even more important, the "facts" yielded by research studies can not in themselves respond to the public policy question of whether to provide more public funds to private schools. The response to such a question is not so much a matter of facts as it is a matter of values. Social viability is always based on a shared system of values, for it is only on the basis of common values that a truly shared existence (as opposed to mere coexistence) is possible. Thus, in multicultural societies such as Ontario, among the common or shared values must be a conception of tolerance which demands respect for others and alternative points of view. This, in turn, is based on a commitment to other values such as: (a) the minimal order required for dialogue; (b) a respect for truth; (c) the need to sometimes act for the sake of others; etc. Of course, in any society, there are also conflicts of value and, therefore, alternative visions of just what constitutes justice and appropriate social policy. It is, in fact, just such conflicts that have historically shaped Ontario's policies in education. Thus, a commitment to common schools and/or private schools starts with values that are not themselves subject to empirical demonstration. It starts with beliefs about what sort of society Ontario should become. That is, it starts with a vision of a preferred future expressed as a particular kind of schooling for the young. Policy-making in education is, therefore, primarily a political process. As such, it must be seen — within a democracy — as a question to be settled, in the final analysis, not by social scientists, but by elected officials, and, perhaps ultimately, by the courts.

## Some Matters of Principle

The importance of values and the implications that different values and value systems have for public policy with regard to schooling are treated in some detail in the paper prepared for the Commission by Holmes.[1] Readers of the Commission's Report are referred to this paper as both interesting for its own sake and, more particularly, as useful in understanding and clarifying their own views with regard to the public funding of private schools. Given the importance of the question of values and principles, it follows that the recommendations of the Commission itself can only be appropriately understood in the context of the general principles which have guided the Commission in its work. No claim is made that these principles represent a complete and comprehensive world view even with regard only to matters of education. Moreover, the Report of the Commission is not the appropriate vehicle for any extended explication of these matters. What follows, therefore, is a simple listing of the eight propositions which have formed the general framework and "argument" for the Commission's sixty-one specific recommendations.

Education is one of society's dominant concerns and, although schooling is only a part of society's much wider arrangements for education, the more complex and dynamic the society, the greater is the need for clarifying the function of its schools and the role that they should play in the ongoing attempt to realize a better society. In this context, the Commission believes:

> I. That elementary and secondary schools are important institutions whose goal is to develop, nurture and enhance the intellectual and moral autonomy of the young. This goal and attendant responsibilities are shared with parents and other societal agencies.

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[1] Holmes, M., *The Funding of Private Schools in Ontario: Philosophy, Values and Implications for Funding. Appendix E, p. 114.*

The emphasis above on autonomy (both intellectual and moral) is regarded by the Commission as crucial relative to the *individual* responsibility of citizenship in a democratic society. Further, the Commission believes:

II. That in a democratic society, this goal (i.e., of intellectual and moral autonomy) is a social and individual good of sufficient importance to justify the compulsory schooling of all children;

and

III. That such schooling should be made available in such a way as to:
- a) maximize the equality of educational opportunity, that is, the likelihood that each person will be prepared to realize his or her potential and to make informed and independent choices as to his or her own future;
- b) provide for the shared responsibility of government and family; the family exercising its natural interest in and responsibility for the welfare of the child and the government acting on behalf of the interests of the wider society and as a protector of the rights of individual children;
- c) ensure that, in a pluralistic and multicultural society, schools can contribute to the strengthening of the social fabric by providing a common acculturation experience for children.

The equality of educational opportunity is taken by the Commission as good by definition and, in the light of the goal of autonomy, there is quite naturally an emphasis above on the development of individual independence. Great importance is also attached by the Commission to the shared role of the school, particularly vis-à-vis parents in the education of young people. Education does not begin and end with the school. The home, the place of worship, and the cultural traditions of the family all play a major role in shaping the child's attitudes and learning. Further, the more institutions such as the home lapse in their roles of nurturing the young and the more the schools take on these roles by default, the less effective schools are likely to be in performing their educational function. Finally, it would also be difficult to underestimate the importance of a common, non-commercial acculturation experience in the socialization of the young. Indeed, the more fragmented the society and diverse the groups striving for their "place", the greater the need for schools to seek a common unifying core.

It is clearly not, however, logically necessary for governments to both finance *and* provide educational services, but the Commission does believe that the requirements of accessibility and accountability make such a double role entirely appropriate. Further, such a double role provides, in a way that no other policy can, a context in which publicly funded schools are tied not only to the private purposes of self-interest and individual mobility – principles heavily weighted in favour of those already advantaged – but also to the public purposes of providing a public service committed to improving collective and democratic traditions. Further, discussion and action about public and common schools presents at least a potential opportunity for citizens to become concerned not simply about what is good for themselves or their children but also about what is necessary to bring about a more just and effective society for others. Finally, to the extent that the public and common schools are the schools of choice for the great majority of families, these schools may be able to respect group differences while at the same time helping their students to perceive the common concerns that transcend such differences. Schools are better able to teach common understanding and shared values if they are less homogeneous and can, at least potentially, bring children of different backgrounds together. That is, the Commission believes:

IV. That it is appropriate for the government to finance and provide an effective system of common public elementary and secondary schools that:
- a) meet society's educational requirements for schooling;
- b) are accessible and open to all;
- c) are tuition-free;

d) provide substantial opportunity for parental and community participation;

e) represent the priority, but not necessarily the exclusive, public investment in education;

f) are the schools of choice for the great majority of young people and their families;

and

V. That, *relevant constitutional issues aside,* no further obligation for the public funding of elementary and secondary schools exist.

Relevant constitutional issues cannot, of course, be set aside, and they will be considered in the specific recommendations of the Commission which follow below. None of the above denies, however, the value of private schools. Thus, for example, in a heterogeneous society, the arguments for a common acculturation experience can be overstated so that all dissent and variation is suppressed in favour of some single, necessarily imperfect, vision, and it is an unfortunate truth that the public school community has not always avoided this pitfall. Past failures should not, however, rule out the present potential of the public schools in which it should, in principle, be possible to both widen and deepen the existing social consensus by capitalizing on our differences without unnecessarily institutionalizing them. The Commission, however, believes:

VI. That there should be no legal public monopoly in education, and private schools that meet the minimum standards specified by the government in terms of its obligation to both society and individual children should have a clear status in recognition both of the rights of citizens to make alternative choices and of the general value of diversity;

and

VII. That, moreover, diversity within the public school system should also be encouraged.[1]

Finally, although — again, constitutional issues aside — no obligation for the public funding of private schools may exist, some public assistance to private schools might, nevertheless, be a feature of a creative public policy. The Commission does believe:

VIII. That, as a matter of public policy, and so long as the public policy objectives outlined above are not substantially eroded, new initiatives both in the public support of private schools and in the relationship of these schools to the public schools should be actively developed and tested.

The status quo in Ontario leaves, as will be outlined below, something to be desired with respect to the status and treatment of the Province's private schools. The fact that any changes in these arrangements will entail some uncertainty and, therefore, some risk for all Ontario schools — both public and private — simply defines the nature of the challenge. There is a need for some change. The hope of the Commission is that the consideration and discussion of its recommendations will assist the people of Ontario in choosing those changes that will lead to a better future for all of their schools.

## The Recommendations

In a paper prepared for the Commission and entitled *Legal and Constitutional Aspects of Public Funding for Private Schools in Ontario,* Finkelstein establishes, to the satisfaction of the Commission, that in the Canadian federation the responsibility of a provincial government includes within its geographical jurisdiction the regulation of all elementary and secondary schools, public and private.[2] The Commission is, therefore, of the view that

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[1] For the balance of this Report, the term "public school(s)" will — for Ontario and except where otherwise specified — include both public and separate schools.

[2] Finkelstein, N., *Legal and Constitutional Aspects of Public Funding for Private Schools in Ontario.* Appendix D, pp. 86-90.

— subject to the relevant constitutional considerations — the Province of Ontario has the power to adopt any and all of the recommendations put forward in this Report.

### *(1) A Standard For All Schools: Satisfactory Instruction and Qualified Teachers*

#### Satisfactory instruction

Schooling in Ontario is compulsory for all children between the ages of six and sixteen whether they attend the public schools, private schools, or are educated at home or elsewhere (subsection 20(1) of the *Education Act*). In light of the general principles listed in the previous section, one of which suggests that education is an individual and social good of sufficient importance to justify the compulsory schooling of all young people, the Ontario provision seems perfectly appropriate. In the opinion of the Commission, however, it is not sufficient to the Province's actual responsibility. If compulsory schooling is to have real meaning, more than an attendance regulation is required. What is needed in addition is some specification of the common and substantive, if minimal, standard that will be required of all schools — public, private, or other; publicly funded or not. Schools not meeting this standard should be illegal in the sense that attendance at such schools could not be considered as satisfying the compulsory schooling legislation.

In the international arena, the United Nations' *International Covenant on Economic, Social and Cultural Rights*, 1976, specifically states that the state — in the Canadian case, the province — has the right to specify minimal educational standards for all schools. It is doubtful that this Covenant, to which, in Canada, only the federal government is a signatory, is legally binding on the provinces with respect to their educational jurisdiction. However, this particular provincial right and responsibility for minimal standards can also be supported on the basis of Canadian law and jurisprudence.[1] In Ontario, there are specified goals for the publicly funded schools (see Appendix N) but these clearly worthwhile aspirations are not intended as a response to the question of minimal standards, and they are, in any case, not necessarily shared by all of the private schools. The relevant legislation does, however, require "satisfactory instruction" as the minimal standard if a child is excused from attendance at a publicly funded school and is being schooled elsewhere (clause 20(2)(a) of the *Education Act*). In order, therefore, to introduce a *common* minimal standard for *all* elementary and secondary schools in Ontario, the Commission recommends:

1. **That satisfactory instruction be required for each student of compulsory school age in Ontario.**

The term satisfactory instruction is not presently defined either in the legislation or in the accompanying regulations. This vagueness has had the advantage of providing great flexibility for the Ministry of Education's supervisory officers and, in some cases, for the private schools, but it has had the disadvantage of making the standard itself empty of content and, therefore, unenforceable in just those instances in which a standard is most urgently needed. Thus, some additional specification would seem appropriate. Further, since no school or society can pretend to be value-neutral (i.e., equally accepting of all points of view simply because they are sincerely held), the Province's minimum standard for all schools should — without descending to the details of programme, teaching style, and achievement level — be clear about its value orientation. That is, it should reflect something of the model of both society and schooling to which Ontario wishes to commit itself. The Commission recommends:

2. **That, relative to the requirements for compulsory schooling, the term satisfactory instruction be defined in law as programmes which:**
   - **(i) use English or French as the first language of instruction;**[2]
   - **(ii) include learning experiences in the arts, Canadian and world studies, language, mathematics, physical education and science;**

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[1] Finkelstein, N., *Op. cit.* p. 90.

[2] Although too far beyond the Commission's terms of reference to elaborate fully, the Commission also believes that it would be appropriate in the near future to enlarge on this criterion of satisfactory instruction so as to provide that the other official language would be taught to a level of conversational competence.

**(iii) do not promote or foster racial or ethnic superiority, religious intolerance or other values inconsistent with a democratic society;**

**(iv) contain specific plans to provide students with the opportunity to develop critical thinking skills in both the intellectual and moral spheres;**

**(v) provide students with ready access to alternative points of view about their areas of study.**

This definition, in addition to stressing the importance of (a) language in the national life and (b) tolerance in a pluralistic society is, as well, entirely consistent with the general principles stated in the previous section of this chapter insofar as these principles relate to the needs of a democratic society. In such a society, dependent as it is upon the active and informed participation of individual citizens, schools must focus not only on a range of subject matter but also on the critical faculties of individual students. Clearly, if intellectual and moral autonomy is to be the objective of education, schooling cannot be reduced to indoctrination.[1]

The criteria for satisfactory instruction listed above limit, of course, what could be conceived of as legitimate elementary and/or secondary schools. Indeed, that is the Commission's intent. Nevertheless, the Commission believes that there remains very wide latitude for what should be encouraged, that is an increasing diversity in the specific approaches to curriculum and pedagogy.

### Qualified teachers

The Commission believes that good teaching is central to all that occurs within schools and classrooms. In the matter of qualified teachers, qualification is presently defined in Ontario for the publicly funded schools as the holding of an Ontario Teacher's Certificate (OTC) and, in general, only persons holding the OTC may teach in the public schools of the province. There are, however, no provincial standards for teachers in private schools and, in the actual case, there is a wide variation in the qualifications of these teachers. Many of them do hold either an OTC or a similar qualification from another jurisdiction. Others are apparently considered suitable by the private schools by which they are employed because of either their academic background and/or their special experience and training and/or the extent to which their value commitments are consistent with those of the particular private school. This variation is not unexpected given the divergent philosophies of certain private schools. Moreover, the Commission does not believe that it would be appropriate to insist on the same and relatively high OTC standard for all schools since there is no clear evidence that teacher certification is always necessary to the student acquisition of the understandings and skills necessary to good citizenship. Further, the Commission is aware that no amount of qualification can absolutely ensure a high level of teacher performance. Nevertheless, the citizens of Ontario, through their Ministry of Education, should expect that anyone teaching children in the province is at least minimally qualified to fill this role. Therefore, the Commission recommends:

**3. That all elementary and secondary school programmes in Ontario be offered by qualified teachers and that the term qualified teachers be defined in law for:**

**(i) public schools as:**
  - **an individual holding an Ontario Teacher's Certificate (OTC);**

**(ii) private schools as:**
  - **an individual holding an OTC; or**
  - **an individual deemed by the Ministry of Education to be qualified to teach at the private school at which he/she is a staff member (see Recommendations 13 and 14);**

**(iii) elsewhere as:**
  - **a parent or guardian conducting home schooling; or**
  - **an individual holding an OTC; or**

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[1] With special regard to moral issues, dilemmas persist since no one theory of morals is compellingly valid to all. The young must be led, therefore, to a familiarity with moral reasoning.

**— negotiated between the local school board and the individual in charge of the educational programme based on the individual's academic qualifications, teaching experience and professional training.**

### *(2) Private Schools: Status, Responsibilities and Teacher Qualifications*

#### Status

The important role of private schools in the development of education and schooling in Ontario was outlined in a number of the briefs submitted to the Commission as well as by Stamp in his paper *A History of Private Schools in Ontario* (see Appendix G). Further, the visits by the Commission to private schools, the Commission's informal consultations, and the Commission's own analysis of the arguments in both the written briefs and the policy/research literature have combined to convince the Commission that, in at least a substantial number of cases, Ontario private schools have made a positive contribution to education in the province and, moreover, that they will likely continue to do so. Further, the Commission believes that in a democratic society individual parents and groups of parents and/or interested citizens have the right, within limits, to set up private schools that they believe to be particularly appropriate for their child(ren). It is, therefore, appropriate that private schools be recognized in the Province's legislative arrangements.

It is true that many of the purposes served by Ontario's private schools are restricted to the private purposes of those groups and individuals supporting these same private schools. Nevertheless, many such schools also contribute to the fulfillment of public purposes in ways substantial enough to make the label "private" somewhat misleading. Therefore, the Commission recommends:

4. **That the term "independent school" replace the term "private school" in the relevant government statutes, regulations and other materials.**

In addition, since the category "independent school" is of importance in its own right, the Commission also recommends:

5. **That the *Education Act*, clause 20(2)(a) be amended so as to include specific reference to independent schools, the amended section to read:**

> **a child is excused from attendance at school if he/she is receiving satisfactory instruction at home, at an independent school, or elsewhere.**

Consistent with this recommended policy of providing status recognition to independent (private) schools, it seems inappropriate for the generic term "school" to continue to be used in official documents to refer only to schools operated by publicly elected trustees. The Commission, therefore, recommends:

6. **That the term "board school" replace the term "school" in the relevant government statutes, regulations and other materials.**

At the present time, the minimum number of school age children required for the establishment of an independent (private) school is five. When such schools are at or near the minimal size — especially when the pupils are spread over a range of grades — the Commission questions the viability of both the schooling and the more general socialization experience. It is recognized that there is no clear answer to the question of appropriate minimal size and that there may be merit in the continuance of minimum sized independent (private) schools currently in operation. The Commission believes, however, that the standard for all new independent (private) schools should at least match that in the publicly funded systems. Therefore, the Commission recommends:

7. **That the minimum number of school age children required to establish an independent (private) school be the same as for the maintenance of a school in a District School Area Board, i.e., be increased from five to eight.**

Most publicly funded Ontario school boards offer junior kindergarten and/or kindergarten programmes as part of the education continuum provided for the children in their jurisdictions. At present many independent (private) schools also offer kindergarten and junior kindergarten programmes, although the *Education Act* does not specifically authorize such schools to do so. The Commission believes, that with due caution with regard to day care standards (see Recommendation 42), it would be appropriate to formally enable independent (private) schools to provide kindergartens and junior kindergartens as part of their educational programme. Therefore, the Commission recommends:

**8. That section 33 of the *Education Act* be revised to permit independent (private) schools to operate kindergarten and junior kindergarten programmes.**

Children in these programmes could be included in the minimal number required to establish the independent (private) school.

### Responsibilities

In keeping with the Commission's view that the Ministry of Education has a responsibility relative to minimal standards in all schools, anyone wishing to operate an independent (private) school should be required to seek approval of its plans from the Ministry, it being expected by the Commission that such plans would emphasize the special character of the independent (private) school as well as the common standards to be maintained by all schools. Therefore, the Commission recommends:

**9. That any group or individual wishing to establish an independent (private) school submit to the Minister of Education at least ninety days before the planned opening of such a school a Notice of Intent to Operate an Independent School, such notice to include at least the following:**

**(i) evidence of approval by health, safety, fire and zoning authorities;**
**(ii) an outline of the educational objectives, programme and staffing plans in sufficient detail to provide evidence that the criteria of satisfactory instruction (Recommendation 2) and qualified teachers (Recommendation 3) will be met.**

There should, in addition, be an approval designation for all independent (private) schools that meet the stated requirements while those that do not meet them should be considered illegal. Therefore, the Commission recommends:

**10. That, when all the requirements of A Notice of Intent to Operate an Independent School (see Recommendation 9) have been met to the satisfaction of the Minister of Education, the independent school named on that Notice be approved as a registered independent (private) school.[1]**

Currently operating private schools would be expected to complete an initial Notice of Intent to Operate but the present practice of an annual submission of such a notice would be discontinued.

At present, the Minister of Education has the right to inspect all private schools. In fact, however, such inspections are only routinely carried on for those secondary private schools that wish to offer credits toward the Ontario Secondary School Diploma. Opinions as to the effectiveness of this inspection process at the secondary level vary. It is clearly the case that most inspected secondary private schools maintain the appropriate standards but any action relating to those (however few) which do not meet these standards seems peculiarly rare. Inspection of the private elementary schools is virtually non-existent. This does not seem appropriate relative to the Minister's province-wide responsibilities for some aspects of all schools. Therefore, in order to maintain its standing as an independent school, the Commission recommends:

**11. That, once registered, an independent school must:**

**(i) file an annual statistical report as specified by the Minister of Education;**
**(ii) either participate in any province-wide testing programme initiated by the Ministry of Education for public schools or conduct an alternative assessment programme acceptable to the Minister of Education;**

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[1] For the balance of this Report the term "independent school" will be used to refer to a "registered independent school".

**(iii) if not being inspected for secondary school diploma purposes, participate — on a seven year cycle — with the Ministry of Education in a *cooperative* evaluation of the school's programme to:**
  - **assess the extent to which satisfactory instruction is being provided;**
  - **provide opportunities for consultation with a view to the development of the independent school's programme;[1]**

**(iv) inform the Ministry of Education of any change in status relative to the matters filed in the Notice of Intent to Operate an Independent School but not covered in the annual report;**

**(v) notify the Director of Education of the Ontario school board where a student would otherwise be qualified to be a resident pupil if that independent school student is expelled or is habitually truant;**

**(vi) submit a Notice of Intent to Close to the local regional office of the Ministry of Education at least three months prior to any planned cessation of operation.**

The Commission's Recommendations 9 and 11 impose considerable obligation and responsibility on independent schools including some (e.g., periodic cooperative evaluations) which, although appropriate to all schools, are not currently the standard practice in the publicly funded sector. Nevertheless, the Commission believes that these constraints are appropriate relative to the Province's responsibilities even though these responsibilities have, unfortunately, not always been exercised by the Ministry of Education.

It remains vitally important, however, that independent schools retain their special emphasis and character. Therefore, the Commission recommends:

**12. That, within the constraints of the appropriate curriculum guidelines at the secondary level (at least for those independent schools seeking to offer credits toward the Ontario Secondary School Diploma), the inspection and/or evaluation of independent schools should encourage both flexibility and innovation in the development of programme.**

Thus, new ideas and alternative programmes should be encouraged and reinforced especially in those instances (the Montessori schools, the Waldorf schools, the International Baccaulaureate programme, and many of the Province's long-established private schools come to mind) where the issue of minimal standards for satisfactory instruction are clearly not in question.

### Teacher qualifications

The Commission's Recommendation 3 indicates that all teachers in the province must be qualified. For teachers at independent schools this will require either holding an Ontario Teacher's Certificate or being deemed by the Minister to be qualified on other grounds. The Commission recommends:

**13. That, for all independent school teachers not holding an Ontario Teacher's Certificate, the basis for qualification be a consideration of an individual's academic background and/or professional training and/or relevant experience.**

Procedures will, of course, be necessary to establish the criteria to be used to establish the qualification of independent school teachers. This task will require dialogue among the interested parties. Therefore, the Commission recommends:

**14. That, after consultation with representatives of independent schools and in light of Recommendation 13, the Ministry of Education develop specific criteria and procedures for determining the qualification of independent school teachers who do not hold an Ontario Teacher's Certificate.**

It may be that, once the qualification standards are in place, a number of the current teaching staff at private schools will not be deemed qualified. In order that these practising teachers may become qualified without disruption of continuity of service, the Commission recommends:

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[1] Independent (private) schools being inspected for Ontario Secondary School Diploma purposes may also choose to participate in the cooperative evaluation process.

> **15. That all teachers currently on the staff of a private school who are neither certified nor qualified (see Recommendations 13 and 14) be given a period of five years to meet the standards in one or other of these categories.**

It is, of course, assumed that all new teachers hired by independent schools will be either certified or deemed qualified by the Minister of Education prior to actual employment. Since, however, certification is the preferred status[1], steps should be taken to ensure that programme options are available to enable qualified but non-certified teachers in independent schools to obtain an Ontario Teacher's Certificate. Therefore, the Commission recommends:

> **16. That the Ontario Faculties of Education in consultation with the Ministry of Education, Ministry of Colleges and Universities, and representatives of the independent schools develop programmes through which non-certified teachers in independent schools have the opportunity to earn an Ontario Teacher's Certificate.**

### *(3) The Public Funding of Independent Schools*

The central question facing the Commission from its inception was whether or not public funds should be used to support the Province's private schools and, if so, to what extent and in what way. As was outlined in Chapter II, public funds are already used to support — in some cases very substantially support — Ontario's private schools but these funds are generally in the form of federal tax expenditures rather than large-scale disbursements from the provincial treasury in support of these schools' operating budgets. With regard to the appropriateness of providing substantial provincial support, ample evidence is presented in Chapter IV of this Report of the very divergent views held by citizens of Ontario; a divergence also reflected among the members of the Advisory Committee to the Commission. There were many arguments put forward to the Commission on both sides of this matter. With particular regard to whether (as opposed to how) such funding should be provided, the three most common arguments put forward in support of the provincial funding of private schools were, as previously outlined, the following:

(a) That not only should parents be able to choose school environments that affirm and extend their own values but they also have a prior right to select the kind of education they believe to be appropriate for their child(ren). The function of the state is — within recognized limits of costs and standards — to enable parents to make this choice free from financial constraints, constraints which now threaten, through the economics of schooling, the right of many parents to choose a private school;

(b) That it is discriminatory and, therefore, inappropriate for Ontario to continue to offer to its Roman Catholic community an educational option not offered to all other Ontario communities — at least to all other Ontario communities that are religiously defined;

(c) That parents who choose to send their child(ren) to private schools should not have to bear the "double taxation" of having to pay both private school tuition fees and their share of the education taxes in support of the publicly funded schools.

These arguments were urged on the Commission not only on the grounds of justice but also with repeated reference to the view that there is room for many different ways of realizing public goals. It must, therefore, be recognized, it was argued, that diverse communities have, within them, different preferences for educational goods and services, thereby creating a need for different models of school organization. Thus, while education should be public in its finance and opportunity structure, it need not be public — or at least exclusively public — in its organization. Finally, it was suggested that the current near monopoly of the state in elementary and secondary schooling reduces competition, raises costs, lowers efficiency and degrades the quality of the product being delivered while, at the same time, it imposes majoritarian ideologies and life styles and makes dissent less legitimate. By contrast, the Commission was assured that the provincial funding of private schools would: (a) ensure the diversity appropriate to a pluralistic society (compulsory education was never intended to mean that all children should be schooled in the same way); (b) reconcile individual freedom with majority rule — the very difficulty that has so bedevilled the attempt of the boards of education to act as a socially cohesive force; (c) stimulate competition and, therefore, quality; (d) rid parents of double taxation; (e) allow the free exercise of conscience and religion within all income levels. Moreover, the existing public school system would not be threatened by this policy change since it was not imagined that there would be large scale enrolment shifts from public to private schools as a result of any decision to provide new and provincial funding support to the latter.

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[1] This is a claim not necessarily in support of the present certification standards but rather for some continuation of a policy for a standard of certification well above any notion of minimal qualification.

Forceful arguments were also presented on the other side of this central issue. Again, as previously outlined in Chapter IV, the three most common arguments put forward to the Commission against the public funding of private schools were the following:

(a) That, whatever one's view in principle, the current financial constraint on the Ontario treasury and, consequently, on the funding of public schools makes any extension of public funding to private schools inappropriate — at least at this time;

(b) That allowing the use of public funds to support and create private schools, many of which by their own admission would be segregated along lines of, for example, religion or class, would be unwise since it would sanction the isolation of students in homogeneous groups and thereby not only abandon the advantages of a common acculturation experience but also foster a tendency among the students to think of other people as outsiders — an invitation to prejudice and intolerance;

(c) That support of private schools will erode the financial and ideological support for public schooling which in turn will deny equality of educational opportunity to large groups of students by fostering a two-tier system of schooling inimical to the democratic traditions that public schools are intended to serve.

In support of these arguments reference was made not only to the various financial restraint programmes of the provincial government but, more importantly, to the experience of other jurisdictions — most frequently that of Australia and Great Britain — where private schools are seen as having played a major role in keeping alive and legitimizing the ideology of class and, therefore, in exacerbating the divisions in society. Overriding all these concerns, however, was a commitment to the public schools as a source of common (not in the sense of "low" but in the sense of "shared") experiences and common opportunities and, therefore, at least potentially, of a socially integrating sense of purpose. In many of the arguments made to the Commission, this led to a stress on the great extent to which private schools were seen as catering to individual needs rather than the social ends of public policy. No claim was made that the rights of individual students and their parents were irrelevant. What was, however, emphasized was the likelihood that only in the public schools and through the public schools could social decisions be funded and reinforced. Those arguing against the public funding of private schools also suggested — since the custom-tailored can be expected to fit better than the ready-made — that such public funding would result in substantial shifts in enrolment away from the public schools, probably removing from the public constituency the most articulate parents, those who represent the most likely impetus for change, development and improvement in the public schools themselves. Moreover, it was pointed out that this would, unfortunately, occur at a time of a projected decline in enrolment in the public school sector, that is, during a time in which the public schools would have little ability to reduce their marginal costs. Finally, it was generally admitted that increased diversity between schools was an end much to be desired. The argument, however, was for diversity within the public school systems rather than between the public schools on the one hand and the private schools on the other.

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The propositions which provided the general conceptual framework for the Commission's work (see pp. 38-40) do foreshadow, at least to some extent, the Commission's response to the question of the public funding of private schools. Thus, directly suggested in these principles is that, constitutional issues aside, Ontario has no obligation to fund schools and school systems other than those currently being supported, but that, nevertheless, new initiatives in this area might be wise public policy. Constitutional issues cannot, however, be set aside and, in any case, some response by the Commission to the more specific arguments put before it would seem not only appropriate but, indeed, necessary if the context for the Commission's specific recommendations in this area are to be properly understood.

In terms of the three most common arguments advanced by the proponents of public funding for the private schools, i.e., parents' rights, discrimination vis-à-vis the Province's Roman Catholic community, and double taxation, the Commission finds that the double taxation argument, although psychologically strong (a private school parent is, in fact, paying both a tuition bill and education taxes in support of the publicly funded schools), is, nevertheless, without real merit. First, the argument arises at least partly as an unintended consequence of a tax system which happens to separate out certain education levies but not other objects of public tax expenditure. Second, the argument confuses an education tax with a tuition bill, which is not the case. What the education tax represents is a general levy in support of what society has identified as a common good, i.e., a public school system. The raising of this or any other tax does not entitle a citizen to an opting-out process. Decisions concerning the raising and allocation of tax revenues are political decisions and legal redress is available to individual citizens only through the periodic election process and/or the courts. Finally, the double taxation argument would seem to imply that: (a) citizens without children (and, perhaps, citizens without children currently of school age) would not be expected to pay education taxes; (b) citizens with more than one residence are — or at least might be — not only double-taxed, but triple-taxed, quadruple-tax, etc.; (c) citizens' education taxes should be in proportion to the number of their children. Each of these options is, of course, a potential public policy but not a single one of them is suggested by any individual or group proposing the double taxation argument to the Commission.

The argument arising from parents' rights is, it seems to the Commission, somewhat stronger. Parents are the first educators of their children and their continued active involvement in the schooling of their children can contribute mightily to the success of that schooling. Further, it is reasonable to suppose that providing parents with a greater range of choice and, therefore, increasing the chances that they will identify closely with the option actually selected, will, in turn, increase the likelihood of their active engagement with their children's schooling. Finally, in a democratic society, choice for individuals is of considerable value for its own sake. On the other hand, although the idea of choice is important, it does not in itself define self-government or democracy as there are, for example, some things (e.g., slavery) which a democratic society cannot reasonably choose. Thus, the Commission would favour the enhancement of parental choice, but it does not regard such choice as a *prior* right. Rather, parental choice is seen as a desirable objective but one whose claims must be measured against the competing claims of other social policies and goals.

In contrast to its rejection of the double taxation argument and its only partial support for the argument from prior parental rights, the Commission believes that the argument against the status quo on the grounds that it is discriminatory against non-Roman Catholics is a very strong one. On moral grounds, limiting public support to Roman Catholic schools seems indefensible, for the constitutional provisions that are usually advanced to justify the special status of such schools serve only to describe its history. They do nothing to inform us about what we *ought* to do. In terms of this moral choice, it does seem inappropriate to the Commission for Ontario to continue to offer to its Roman Catholic community an educational option not offered to other communities as well. It is true that a strict application of equity in this matter might limit any extension of this option to other religious communities but the Commission does not believe that the public good will be served by involving the provincial government in decisions as to whether or not particular communities are to be considered as religiously defined. Therefore, in the further recommendations with regard to private schools, no distinction is made between religious schools and schools defined on other grounds.

On legal/constitutional as well as on moral grounds, the Commission believes that the special status of the Roman Catholic schools is discriminatory. The Commission recognizes that the legal/constitutional grounds are complex and judicially unresolved and, further, that the Commission itself has no special legal expertise. Nevertheless, it is satisfied with the arguments put forward by Finkelstein in his paper prepared for the Commission.[1] That is, it is satisfied that the relatively permissive nature of section 93 of *The British North America Act* — it specified only which schools must be funded and not which others could or could not be funded — when read together with the anti-discrimination provisions of *The Canadian Charter of Rights and Freedoms* provide a strong argument for the extension of public funding to private schools. The strength of this argument is increased, it seems to the Commission, by any extension of public funding to the secondary Roman Catholic schools since this appears to be more clearly an act of political will than a fulfillment of a constitutional obligation. The government is, of course, clearly entitled to exercise this political will but not on a discriminatory basis. On the other hand, the arguments for maintaining the unique status of the Roman Catholic separate schools do not seem convincing. Thus, for example, the argument from the large size of the Roman Catholic community, while of some political and, perhaps, economic interest, is not, in the eyes of the Commission, convincing on either moral or legal grounds. Similarly, the argument from historical and constitutional status is, as suggested above, unconvincing morally. Further, its legal basis would seem only to find firm grounding if one suggests that the development of a publicly supported denominational school system was an unfortunate historical mistake, one which may have to be supported or tolerated but which certainly should not be repeated. This point of view was, in fact, frequently put forward to the Commission. Given, however, the recent Canadian constitutional exercise during which the historical policy with regard to denominational schools was reaffirmed, the Commission finds the "historical mistake" argument unconvincing with regard to the development of public policy. Since Ontario and Canada appear much more than casually determined to maintain and publicly fund the Roman Catholic schools, only very strong arguments about other public benefits could justify a continued policy of discrimination against independent schools from other than Roman Catholic communities.

As summarized both in Chapter IV and earlier in the present chapter, strong arguments for the maintenance of the status quo in school funding were brought to the attention of the Commission. In terms of the three most common arguments advanced by those advising against the public funding of the private schools, that is, social cohesion and tolerance, equality of educational opportunity, and spending priority, the Commission finds that the spending priority argument is of little merit. Interestingly, the Commission does accept the two most common premises of this argument that (a) the public schools (including the separate schools) should be the priority public investment in education and (b) that, at present, the public schools are underfunded. Nevertheless, it does not draw the conclusion that there should, therefore, be no extension of public funding to private schools. The Commission's reasons are twofold. First, the cost of fully funding the private schools, estimated at no more than $200 million annually, is not sufficiently large — when compared to the $6.5 billion per annum already being expended on the public elementary and secondary schools in the province — to be determinative of public policy. Second, since educators are in the best sense fully engaged in maximizing the funds to be made available to their work and then fully expending these funds in the interest of their students, the Commission finds itself unable to imagine a funding context in which the public school community — or any other school community — would see itself as having sufficient financial support to enable the funding of other systems to assume a first priority. Therefore, the Commission rejects the spending priority argument.

The social cohesion argument is, the Commission believes, on stronger ground. The argument has two facets. First, it posits the need, in a heterogeneous society, for more

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[1] Finkelstein, N., *Op. cit.*

rather than fewer common cultural touchstones and then argues that the public schools (rather especially the board of education schools) represent the only institutional vehicle that is available for providing a common but non-commercial experience for young Ontarians of, at least potentially, widely different personal and family backgrounds. The Commission has some sympathy with this view, although it recognizes that in many actual settings (e.g., the neighbourhood school, the separate school) the student body of a particular public school may be quite homogenous. The Commission is, nevertheless, of the opinion that society should strive to realize some common socialization experience for its young that is not limited to the television set and/or the shopping mall and that the publicly funded schools represent the most likely setting for this effort. It is not easy to imagine that largely segmented schools will lead to a cohesive social environment even though one cannot totally dismiss the alternative argument by minority groups that common settings can be very destructive to their distinctive needs.

The second aspect of the social cohesion argument relates to the question of tolerance. It was argued in almost all of the submissions to the Commission that, in a multicultural society, tolerance was among the supreme civic virtues. It was, however, the unfortunate experience of the Commission that with few exceptions, schools — whether public or private — did not actually take this matter seriously in the development of their own programmes. It was the Commission's experience that the public schools too easily assumed that the mere physical presence of various groups within their student bodies somehow, of its own accord, bred tolerance and understanding and there are, therefore, (at least in the opinion of the Commission) very few public schools that can make any claim to have "multiculturalized" their core programmes. On the other hand, private schools, most of which were religiously defined, rather too easily assumed the equivalence of piety and good citizenship without taking into account that, for at least a number of religious groups, the claim to universality has often meant the spiritual repression of other religions and cultures. It must be admitted that no one knows just which schooling experiences are most likely to produce understanding and tolerant adult citizens and, from the point of view of minority groups, large-scale common settings are often repressive settings. One cannot help but recall, for example, Egerton Ryerson's own opposition to cultural diversity when he wrote in 1846 about the arrival of the Irish Catholic victims of famine:

> It is therefore of ... importance that every possible effort should be employed to bring the facilities of education within the reach of the families of these unfortunate people that they may grow up in ... industry and intelligence ... and not in the idleness and pauperism, not to say the mendicity and vices of their forefathers.[1]

Nevertheless, in the absence of sure knowledge, it does seem intuitively plausible to the Commission that tolerance and understanding are more likely to arise from settings in which various groups interact than in settings which are segmented and segregated — whether voluntarily or otherwise. Indeed, if the opposite is true, that is, if familiarity breeds contempt, then the very concept of a multicultural and pluralistic society becomes a contradiction in terms. There would never be enough values in common to provide the kind of social cement without which no society can long survive. Thus, the Commission would argue that, with due regard to the interesting arguments as to the appropriate age and developmental level at which common experience becomes crucial, the context of the public school represents, whatever its past failures, the most promising potential for realizing a future characterized by a more fully tolerant society.

It is, however, with regard to the equality of educational opportunity that the Commission finds itself in strongest agreement with those advising against the funding of private schools. One of the historic missions of the public school has been to act as a kind of social mobility ladder for young people who do not bring to schooling special advantages of background, experience and/or wealth. It cannot be claimed that this mission has always been achieved and that the public schools have always risen to Thomas Jefferson's historic call for an "education to enable every man to judge for himself what will secure or endanger his freedom". Indeed, it has often been observed that the public schools help reinforce and maintain the high status of the exchange rather than the use value of credentials. This inevitably results in a hidden curriculum that favours the middle class and is simultaneously destructive of working class children and values. Further, on occasion, the public schools are said to actively prevent citizenship and actively promote the stifling of self-government. Nevertheless, there have also been many successes and, more to the point, the alternatives seem even more unattractive. The great advantage of the independent school is that it can focus its priorities and its programmes to fit, rather precisely, the particular students (and their families) which such schools may wish to admit. It is hardly surprising, therefore, that those for whom the school is designed find that it suits their needs more admirably than the public school which must, perforce, provide a programme of much broader and less focussed dimensions. Thus, readily recognized individual advantage is provided by the independent school — at least for those for whom the school is designed and who can afford its cost. The funding of these schools might make such advantages available without regard to parental income and it is, therefore, not unlikely that this would result in an increased interest in attending such schools although the actual extent of this new demand is very difficult to forecast. The resulting benefits would be individual benefits but their cost would be a social cost, one encountered in the growing realization that the seemingly legitimate desire of parents to procure advantages for their children is something that can be fully accomplished only at the expense of others. In any case, if such funding should result in any large transfer of either the higher achieving or the more affluent students from the public to the independent schools, the ability of the public schools (as the schools of "second choice") to offer equal educational opportunity will have been destroyed. It is, of course, by no means certain that this outcome would occur. It is, however, a large risk to take and the Commission will, in its recommendations relative to the public funding of independent schools, attempt to safeguard against it.

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[1] Ryerson, Egerton, *Journal of Education for Upper Canada, Vol. 1,* J. H. Lawrence, Toronto, 1848, p. 300.

In reviewing the various arguments and the Commission's own response as outlined above, the emerging difficulty for the Commission was how to offer advice to the government and citizens of Ontario that would on the one hand increase parental choice and address the problems of discrimination while at the same time not only maintain but enhance — in the name of both social cohesion and the equality of educational opportunity — the integrity of the Province's public schools. The Commission does not presume either to guarantee the future or to argue that its particular recommendations are in some logical sense the uniquely correct way to proceed. The Commission does, however, believe that, if carefully implemented, the recommendations which follow will result in considerable progress toward the achievement of the objectives which have been outlined.

### Programmes of limited support

The Commission believes, as has already been suggested, that the independent schools have a right to exist in Ontario and that their status should be more explicitly recognized in provincial legislation (see Recommendations 4 and 5). The Commission does not, however, believe that such schools have a right to public funding in any way commensurate with that provided to the Province's public schools. The breadth of public purposes served, the access to and the accountability of the schools responsible to publicly elected boards of trustees are such as to (a) place them in quite a distinctive position and (b) entirely fulfill the Province's basic obligation to provide elementary and secondary schooling for its young. Nevertheless, the Commission has also acknowledged that the Province's independent schools both contribute to the richness and diversity of Ontario education and serve some important public purpose by providing schooling for a small but not insubstantial proportion of the Province's elementary and secondary school children. The programmes of limited support outlined in the recommendations which follow immediately below are designed to acknowledge this contribution.

In many communities in Ontario, surplus school buildings are being identified each year. Unfortunately, the present Capital Grant Plan excludes independent schools from the priority list of institutions to which surplus schools must be offered prior to public sale. Inasmuch as the Province already has an investment in these facilities — designed specifically as schools — the Commission recommends:

**17. That the Capital Grant Plan be amended to place independent schools just below the priority basis for other school boards for the lease and/or purchase of surplus school board facilities and in such cases the use of these facilities be defined as fulfilling educational purposes.**

It has been said that as many as two-thirds of the school buses in operation in Ontario duplicate routes operated by other school boards and private schools. Moreover, many school buses operate with surplus space or are forced into double runs keeping children on buses or at school for extended times each school day. The Commission believes that greater economies and greater equity could be provided in the transportation operations of all those involved with the education of children in Ontario. Therefore, the Commission recommends:

**18. That current legislation be amended to provide school boards with authority to:**

- **(i) develop consolidated transportation plans within municipalities, regions, and districts;**
- **(ii) transport children who attend independent schools but only on the same basis as children attending the Board's (or Boards') own schools.**

This recommendation, if implemented, may not only introduce some additional elements of economy and equity into the transportation arrangements for elementary and secondary schools but also provide a marginal but, nevertheless, valuable context for the interaction of young people from different school communities. Since, however, the independent school students would be entirely new obligations for school boards, the Commission also recommends:

**19. That the General Legislative Grants Regulation be amended to provide funds to school boards for the transportation, within board boundaries, of children who attend independent schools located in the jurisdiction(s) served by the school boards.**

Finally, one of the difficulties facing many independent schools visited by the Commission was the often prohibitive cost of the learning materials considered to be essential for the school's programme. In order to provide some assistance to these schools and, as suggested above, in recognition of the important, if limited, public purposes that these schools serve, the Commission recommends:

**20. That the General Legislative Grants Regulation be amended to provide funds to independent schools for the purchase of learning materials, funding to be based on the per-pupil expenditures for learning materials during the previous year by the local board schools.**

The precise cost of implementing Recommendations 19 and 20 is difficult to specify, for it will depend, among other things, upon the developing budget and transportation policies of local school boards and the degree to which independent schools will wish to participate in the transportation and/or learning materials option. The Commission's best estimate of the annual cost of these two programmes of very limited support is that provided by Lawton (see Appendix F, p. 183) and that estimate is $10,375,000.

It should be noted that in Recommendations 19 and 20, as well as in the further recommendations which follow, the Commission has chosen the method of direct grants to schools (often through the channel of a relevant public or separate school board) as the appropriate technique for the public funding of independent schools. As Lawton (see Appendix F) and many others have made clear, this is only one of several options, the most frequently discussed alternatives to which are either educational vouchers, or the indirect grants to independent school parents represented by tax expenditures — either tuition tax credits, tuition tax deductions, or relief from local education taxes. Educational vouchers are discussed below in the section of the chapter dealing with new opportunities for board schools. In terms of the tax expenditure alternatives, the Commission rejected any approach using the local education taxes both because of the conceptual arguments outlined previously (see p. 48) and because the whole matter of the financing of Ontario schools is currently under study by the *Commission on the Financing of the Elementary* *and Secondary Schools in Ontario.* Tuition tax credits are believed by the Commission to be a more appropriate form of support than tuition tax deductions since they do not favour the already affluent. Both approaches were, however, rejected because by reinforcing the separation of the independent and publicly funded school communities they were inconsistent with one of the Commission's objectives, i.e., maintaining and enhancing — in the name of social cohesion and equal educational opportunity — the integrity of the Province's public schools.

### Associated schools

The continued health and viability of the Province's public schools are not, however, the Commission's only objective. This health and viability might in some circumstances be achieved without having to deal with the Commission's intention to both increase parental choice and deal with the discrimination that characterizes a policy which provides public funding to the schools of only one particular religious community. Interestingly, the beginnings of a possible response to the multiple objectives of the Commission can be found in current practice. Across Ontario, at the moment, a variety of cooperative (and, generally, informal) arrangements have been established between board schools and private schools. There are, for example, some students from private schools who ride on the same buses as public school students; there are some students from private schools who take credit courses at neighbouring public schools; some teaching staff from private schools share with their colleagues from publicly funded schools in programmes of professional development; and, in some cases, students from local public schools use the facilities and resources of a private school. Each of these arrangements is rooted in a specific situation. It does seem to the Commission, however, that the key ingredient to the success of the continuing associations between publicly funded and private schools has been the ability of the representatives of the schools involved (publicly funded and private) to negotiate an arrangement that meets the needs of the parents and children of both school communities. The Commission believes that this model of negotiation should be encouraged not so much for the potential economies involved as for the positive effect of the continuing interaction between the school communities. The Commission also believes that in as many situations as possible the association between a board school and an independent school should be both substantial and formal. Therefore, the Commission recommends:

**21. That an associated school be defined in law as an independent school that has come to an agreement with a local school board to operate in association with that board and in addition to offering satisfactory instruction (see Recommendation 2):**

- **(i) employs only Ontario certified teachers (except where letters of permission are appropriate);**
- **(ii) charges no tuition;**
- **(iii) is, within enrolment and academic constraints, open without distinction as to race, ethnic background or religion to all persons of compulsory school age who, subject to the appropriate constitutional protections, agree to participate fully in the programme of the associated school;**
- **(iv) is a non-profit organization;**
- **(v) is not designed primarily to offer special education programmes and services;**
- **(vi) reports annually to the school board with which it is associated on its financial and instructional operation;**
- **(vii) is operated by a board of governors, at least half the membership of which shall be composed of parents of students attending the school.**

The above recommendation would create a new category of school: the associated independent school. Given the standards of access and accountability specified in Recommendation 21, it is likely that there will be many independent schools who would regard this particular status as inappropriate to their own objectives. The Commission believes, however, that there would be some school boards and some independent schools that would find this new arrangement attractive. The Commission recognizes that given the various needs of both independent and board schools (and the communities that they serve) either could be interested in initiating an "association" and, therefore, the Commission recommends:

22. **That the Ministry of Education introduce legislation to provide authority for either the board of governors of an independent school within the area of jurisdiction of a local school board or the local school board itself to enter into negotiations in order to reach an agreement enabling an independent school meeting the conditions specified in Recommendation 21 to become an associated school with that school board.**

Publicly elected boards are expected to negotiate at the request of an independent school. Negotiations, however, particularly in the initial stages, may be delicate and lengthy, and in some instances arbitration may be required in order to effect an equitable agreement. Therefore, the Commission recommends:

23. **That, if, after a calendar year of negotiation or an attempt to negotiate, an agreement to establish an associated school cannot be reached, the board of an independent school may appeal to the Minister of Education for arbitration in completing such an agreement;**

**and**

24. **That, in the event of such an appeal, both the local school board and the board of the independent school shall submit in writing to the Minister details of the negotiations and specific reasons for the impasse. The Minister's decision shall be final and will take into account, but not be limited to, the effect that a new school unit may have on the local boards' schools.**

In support of an agreed-upon association under the conditions specified in Recommendation 21, the Commission believes that public funds should be made available for the operation of the associated school. Therefore, the Commission recommends:

25. **That, in support of the association between an independent school and a local school board, the Province of Ontario provide an annual grant equal to the average per-pupil operating costs for the elementary and/or secondary schools experienced by the local school boards in the previous year multiplied by the enrolment of the associated school in that same year.**[1]

The Commission's view is that the grant provided by the Province should be shared between the associated independent school and its "host" school board. The way in which this grant would be shared would vary depending on the specific arrangements worked out between the two school communities. The expectation of the Commission is that an associated school would utilize the economies of the local board's administrative and consultative services, that the recommended arrangements for transportation and learning materials (see Recommendations 19 and 20) would be included in the services to be provided through the local board, and that the associated school agreements would encourage the maximum feasible interaction and joint experience of all students and staff. Therefore, the Commission recommends:

26. **That the annual associated school grant be shared between the local school board and its associated school in amounts based on the specific arrangements negotiated between the two parties, such arrangements to reflect both the programme range and operating costs of the associated school and the programmes and services of the local school board to which the associated school is to have access.**

It is to be understood that normally the associated school and local board will receive not less than 75% and 15% of the grant respectively. The Commission hopes and expects that the advantages of very broad based programming and certain economies of scale that accrue to publicly funded school boards may be the focal points for the services and programmes to be utilized by the associated school and for which the local school board will be accountable. Therefore, the Commission recommends:

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[1] If the associated independent school is in its first year of operation, its September 30 enrolment will be used as the basis for the calculation of the operating grant.

27. **That the responsibilities of a school board associated with an independent school include such administrative (e.g., transportation), consultative and programme services as are negotiated with the independent school and that the local school board provide to the Minister of Education and to the board of governors of the associated school an annual statement of its services provided to the associated school.**

The Commission is also convinced that in a multicultural society and in the name of tolerance and understanding every effort should be made to increase the probability that young people of differing backgrounds will have some opportunity for shared experience. Therefore, the Commission recommends:

28. **That an associated school and its local school board be encouraged to share programmes, especially curricular programmes that would broaden student academic choice as well as co-curricular programmes such as sports, club activities and community outreach; the costs of such arrangements to be a part of the negotiated agreement between the board of the associated school and the local school board.**

Since only operational funding is to be provided to associated independent schools by the public treasury and since no tuition charge is to be levied, the board of an associated independent school will require continued community commitment and participation in order to provide both for capital requirements and, where appropriate, the unique character of the school itself. Therefore, the Commission recommends:

29. **That the board of an associated school be empowered to:**
    - **(i) raise funds and issue tax receipts for capital and special programme requirements but not for tuition;**
    - **(ii) within the constraints of satisfactory instruction, design and implement curriculum;**
    - **(iii) purchase, rent, own and lease property;**
    - **(iv) hire and supervise staff;**
    - **(v) establish compensation policy;**
    - **(vi) establish enrolment levels;**
    - **(vii) provide a religious base for school programmes.**

Any effort to move into an innovative mode such as the associated schools concept should not be inhibited by the peculiarities of the moment. Included in these could be the qualifications of the teachers in the associated independent schools. Inasmuch as Recommendation 21 requires Ontario certification (except where letters of permission are appropriate), some transitional period of grace should be provided. Therefore, the Commission recommends:

30. **That uncertified teachers on the staff of an associated school at the time of the signing of an association agreement with a local board be given seven years from that time to obtain an Ontario Teacher's Certificate.**

The public funding of independent schools through the associated school concept has a number of important advantages. Crucial among these is that it represents, in the view of the Commission, a reasonable remedy for the currently discriminatory practice of the Province in limiting its special funding to the Roman Catholic separate schools. The basis of the proposed remedy is not equality. The Commission does not believe that it would be reasonable to suggest that either (a) the history and special constitutional status of the Roman Catholic separate schools are of no account or (b) the Province should consider the establishment and full funding of elaborate and publicly-elected trustee systems for groups of whatever size that wish to establish an independent, but publicly funded, school. The basis of the proposed remedy is, therefore, not equality but equity, and it seems to the Commission that equity is served by the associated schools concept in which somewhat lower levels of public funding (i.e., only operational support is provided) are associated with somewhat lower levels of public responsibility in terms of both range and independence of programme. At the same time, substantial public funding of independent schools is limited to those independent schools which: (a) are willing to associate themselves with a local school board; (b) will be open to students irrespective of their race, religion, or ethnic background;[1] (c) do not levy tuition charges; (d) provide elementary and/or secondary schooling at an operating cost not substantially greater than that at which the Province is willing to support its public schools.

The Commission recognizes that the standards and conditions described immediately above and in some earlier sections of the Report may be unwelcome and perceived as inappropriate, perhaps even as punitive, by some independent schools. The Commission disagrees with this point of view and can only reiterate that from its perspective the proposed policy appropriately matches public funding to public responsibility and public purpose. It leaves to the individual independent school the choice between values of association and the values of greater independence — both fiscal and otherwise.[2]

At the same time, the Commission was anxious not to unduly jeopardize the special character of an independent school which chooses to negotiate an association with a local school board. Thus, an associated independent school can elect to have a religious basis to its programme and students selecting the school must, subject to any constitutional constraints, participate in the full programme offered by that school. It is admitted that the open enrolment standard (see Recommendation 21) may introduce some difficulty in this area, but the Commission suggests that it is preferable to deal with this problem when and if it develops rather than to put forward any proposal for a publicly funded school that restricts its admission on what the Commission regards as inappropriate grounds.

A further advantage of the associated schools approach is that it is likely to increase the diversity of educational offerings available to Ontario students and Ontario families at little or no direct cost to the student or family at the point of service. Moreover, and in some ways more importantly, public funding will become available to educational variations of direct interest to families and lay persons as well as those developed by the education professionals.

Finally, the associated schools proposal takes into account the Province's public schools. It is only through a substantive association with a local school board that an independent school can substantially access the public funding programme, and to the local boards, therefore, will fall the challenges and opportunities of leadership within the entire spectrum of the Province's schooling arrangements. The Commission hopes that careful experimentation with the associated school programme will provide the government and the citizens of Ontario with real rather than hypothetical (and, therefore, rhetorical) experience with how we are to live together independently. The ability to do so, that is, to live together independently, is essential to what is apparently Ontarians' shared vision of a democratic but pluralistic and multicultural society. This is a real challenge in the sense that any realization of the vision will not be simple. What may be simple and, moreover, frequently tempting is an opting for a more segmented and more segregated alternative.

In some sense, this is also the difficulty with the associated schools proposal. Not only does it potentially deliver both the public schools and the independent schools each into the hands of its enemy (i.e., the other) but, by a further sub-division of the publicly funded school sector, it might be seen as contributing to social divisiveness as opposed to social cohesion. In principle, if we in Ontario were forging an entirely new school system, the Commission would have some considerable sympathy with the social divisiveness argument. Ontario is not, however, designing a new school system *ab initio*. Further, in all but official rhetoric, Ontario has already parted from the common school idea in many ways (e.g., the establishment of the separate school, the legitimization of independent schools based on the ability to pay, the frequently homogeneous grouping of children by neighbourhoods, the profound programmatic differentiation both at the secondary level and for young people with special needs, and the self-selection of students into French immersion programmes), each of which can be regarded as socially divisive. Thus, it hardly seems reasonable to draw the line at independent schools, for this would have the effect of suggesting that only educational variations supported by the educational establishment should be subsidized. If there is one impression made strongly by Ontario parents in the experience of the Commission, it is that parents wish to have a more direct influence and more direct input into the education of their children. The associated schools proposal provides one such opportunity. It is not without risk, but in the opinion of the Commission, it is a reasonable risk to take.

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[1] The Commission recognizes that the Roman Catholic separate schools are not always open to non-Catholic students. It believes, however, that this policy is mistaken and that all publicly funded schools should be open on no less than the same basis as described herein for associated schools.

[2] Greater independence may also attract some school groups to the associated schools notion but, unfortunately, away from the alternative schools option in the public sector (see Recommendation 36).

What is unreasonable is to expect that associated independent schools will find their status of association subject to the vagaries related to the shifting and fascinating politics of local school board elections. Therefore, the Commission recommends:

31. **That the conditions of agreement between the board of governors of an independent school and a local school board to establish an associated school be in writing and subject to the approval of the Minister of Education that the agreement satisfies the requirements of the relevant provincial policy;**

**and**

32. **That termination of a written agreement between the board of governors of an independent school and a local school board be by mutual agreement of the boards involved or by a written request to cancel the agreement by one board and the approval of this request by the Minister of Education.**

Finally, there is the matter of the cost to the provincial treasury of the associated school programme. These costs are difficult to estimate since they are so dependent upon the number and size of independent schools reaching an associated school agreement with a local school board. The Commission's estimate is that after five years approximately 18,000 (12,000 elementary and 6,000 secondary) of the Ontario students now in independent schools may be enrolled in associated independent schools. Given the 1984 per-pupil operating cost of $2,297.00 elementary and $3,140.00 secondary, exclusive of transportation, this would result in an annual cost of approximately $51,000,000.00 (including transportation) for the funding of the associated schools.

### *(4) Board (Public and Separate) Schools: New Opportunities*

It is not surprising that, from the outset of the Commission's inquiry into the role and funding of private schools, issues relating more particularly to board schools arose. It was, in fact, immediately apparent that new policy recommendations could not appropriately be limited to expanded opportunities — and in some cases obligations — for private schools. In order to meet the changing needs of Ontario society, new initiatives were called for within the existing board schools as well.

In the nineteenth century and, in fact, well into the twentieth, the utopian tendencies in the Canadian mind were to some large degree invested in the notion of perfectability through learning. Schools were conceived of as the prime instruments of individual self-realization, social progress and economic prosperity, and public schooling flourished both in response to this vision and, in many ways, in the interests of the middle-class and mainline Protestantism. More recently, however, increased social diversity has led to a collapse of the social consensus about the moral purpose of schools and the schools — again rather especially the public schools — have been shaken by a crisis of confidence, a withdrawal of financial support, and considerable skepticism about the benefits and/or fairness of schooling. Nevertheless, virtually all of the individuals and groups who communicated with the Commission argued for the importance of and support for a strong and well-funded public school system.

Expressed criticism of the board schools tended to focus on the perceived bureaucratization of these schools and the extent to which they are perceived to have become primarily instruments of the state and the professional experts rather than partnerships between the government and the professionals on the one hand and both parents and local communities on the other. Indeed, parents and local community representatives often are seen as the real casualties of both school district consolidation and the Province's emphasis on control through professionalization, specialization and standardization. Thus, not unexpectedly, the most common specific recommendation for change within board schools was for a reduction in the scale of both schools and classrooms — especially at the secondary level. The economies and opportunities of scale are apparently no longer regarded by many Ontarians as worth the cost in terms of the loss of social community. It was often suggested to the Commission that schools and classes must contain few enough pupils to be meaningful social units if young people are to emerge from them not only as skilled adults but also as responsible and caring individuals.

The Commission believes that, in fact, the Province's publicly funded schools have served and continue to serve the people of Ontario extremely well — often in circumstances of unreasonable public expectation and limited public support. Nevertheless, the Commission would agree with the general criticism outlined above at least to the extent of suggesting that, if the traditional reforms of more money, larger schools, increased professionalization, and more centralization have, in fact, been associated with a perceived decline in the publicly funded schools systems, other options ought to receive serious consideration along with the more standard approaches. Given the effective near-monopoly of the publicly funded schools, it is not surprising that as institutions — despite the very best intentions and training of those involved — they exhibit some of the behavioural characteristics of monopolists. Therefore, the recommendations of the Commission with specific regard to new opportunities for board schools are designed to introduce into these schools some aspects of a more competitive environment in the hope that this will result in both greater programme diversity and a more finely-tuned responsiveness to local communities.

It is not easy to know where to begin, but it is clear that the needs of Ontarians with respect to both adult education and retraining on the one hand and early childhood education and child care programmes on the other have changed dramatically since 1969, the year in which the present consolidated school districts were established. Thus, many Ontarians have suggested to the Commission that school boards should expand their horizons beyond local politics and/or the needs of young people during the compulsory years of schooling and begin to work more actively with other community groups and agencies. Therefore, the Commission recommends:

**33. That, through legislation, a mandatory provision be established to require each school board to establish an advisory committee to:**

**(i) identify the needs of pre-school and adult citizens in its community;**

**(ii) develop recommendations for programmes — perhaps to be offered in cooperation with other public and/or private agencies — that will meet the needs of pre-school and/or adult clients.**

Another recurring theme throughout the Commission's activities was, as has been previously mentioned, that the bureaucracy and administration of publicly funded schools tended to be distant and cool except to the most aggressive of parents whereas a close relationship between parents and staff was constantly cited as a reason for the attractiveness of an independent school. The development and maintenance of the special character of each private school was seen, in fact, to be largely due to the commitment of the community that supported that particular school, a commitment which could not, according to some, be replicated in the publicly funded systems without significant new initiatives. The Commission does believe that school board trustees have a responsibility not only for the development and administration of general schools policy but also for both a sensitivity to the needs of local communities and the development of programmes that reflect these needs. Therefore, the Commission recommends:

**34. That, where no current arrangement exists, each board school be required to establish a School Committee including the principal and elected parents and teachers in a minimum ratio of two to one. The task of this Committee would be to communicate, through the principal, with the**

**school board so that the board is informed as to the community's priority concerns with regard to the school's policies and programmes and the community is similarly informed with regard to the board.**

The development of this two-way channel of communication is, the Commission believes, a first step in the reskilling of board schools to deal with local communities and the generation of consensus. At the same time, it is not intended that these committees be simply a device for increasing the responsibilities of the school. It should be understood that religious communities and, more particularly, the family must retain responsibility for their own role(s) in the socialization of the child rather than, as is becoming more and more frequently the case, withdrawing from that responsibility, expecting the school — as a kind a residual legatee — to somehow cope with a clearly unmanageable range of objectives. There are, as well, other dangers that have been experienced with community involvement and in certain cases community control. In some jurisdictions such control has resulted in an over politicization of the schools. In others, local groups have often been able to use the public schools to perpetuate racial, class and religious discrimination. Thus, the Commission does not intend to suggest a breaking into smaller units of the present school districts. The intention is to encourage better schools through community development by more often bringing together professional knowledge and skill with the involvement of community members in decision-making.

Canada has two official languages, but in the complex cultural mosaic of Ontario a third language is often regarded as a community priority. Accepting both an appropriate caution for its impact on the very young and the special status of Canada's two official languages, the Commission, nevertheless, believes that it is important to avoid the marginalization of minority cultures. In this respect, there are advantages to enabling students to be instructed in a language in addition to English or French for part of the school day. Therefore, the Commission recommends:

**35. That the *Education Act* be amended to permit school boards to authorize the use in a school of one language other than English or French as a language of instruction for not more than the number of regular school hours devoted to the second official language.**

Publicly funded schools are often criticized for being altogether too uniform. In some ways this is surprising given the enormous range of programmes in the public schools and the many subdivisions of the public school population (e.g., by neighbourhood school, by language, by religion, by curriculum track). Perhaps what is being suggested to the Commission is that, whatever the present diversity, it is not sufficient to the even wider interests and values of the potential public school constituencies. Whatever the case, one of the great — and as yet unfulfilled — opportunities for diversity within the publicly funded schools is in the development of alternative schools. The results of the recent *Provincial Review of Alternative Schools in the Public System* support the view that most Ontario school boards are not active in the development of schools with a decidedly individual character. There are 168 school boards in Ontario but only 29 alternative schools (enrolling only 2,640 of the 1,764,497 elementary and secondary school students in the Province). Twenty-one of these schools are operated by a single board, the Board of Education for the City of Toronto. Even allowing for the fact that there are, in addition to these schools, 36 alternative programmes and that there may be many interesting programme variations not so specifically labeled, it would be hard to make a case that school boards have vigorously taken up the challenge to expand the diversity possible within the public system. This could be due partially to a lack of recognition of alternative schools and programmes in the *Education Act* and regulations, partially to a lack of Ministry of Education initiatives in promoting the alternative school/programmes concept, and partially to inertia on the part of school boards in either promoting the concept internally or in informing the interested public of the options that might be available. The Commission believes that religiously defined alternative schools are not appropriate but that otherwise the alternative school option should be encouraged. Therefore, the Commission recommends:

**36. That the Ministry of Education recognize alternative schools within school boards as legitimate educational enterprises by:**

**(i) providing specific reference to alternative schools operated by school**

**boards in the *Education Act* and appropriate regulations;**

- **(ii) requiring each school board to develop a policy with regard to alternative schools and to file a copy of the policy with the Ministry of Education (see Appendix M for three examples of current policies);**
- **(iii) encouraging school boards to publish, annually, a list of the alternative schools operated by the board;**
- **(iv) adjusting the General Legislative Grants Regulation to provide a weighting factor for students attending an alternative school during its first three years of operation.**

Many board schools and school boards profess an interest in fostering educational diversity but perceive themselves as being blocked in these efforts by the bureaucracy and myriad rules and regulations of either the board itself and/or the Ministry of Education. It is difficult for the Commission to know to what extent this perception is correct, for it could also represent a socially acceptable rationalization of disinterest and inactivity. Nevertheless, the Commission believes that increased educational diversity (and, therefore, choice) would be facilitated by some decentralization of authority to the levels of both the school board and the individual school. Therefore, the Commission recommends:

**37. That the Ministry of Education identify and initiate strategies and programmes to provide school boards and board schools with greater autonomy in order that they can better respond to the specific needs whether of a particular board and/or the community of an individual school or family of schools.**

For example, in the relationship between the Ministry of Education and school boards it might be appropriate to:

- (a) limit the amount of required paper work such as the unscheduled Ministry information requests that could be a part of the regular statistical reporting mechanisms;
- (b) encourage more flexible agreements between/among neighbouring school boards in areas such as shared programmes, transportation, specialized facilities and resource personnel;
- (c) develop policies that would provide flexibility in the use of reserve funds to encourage school board entrepreneurship in providing programmes and learning experiences;
- (d) change the focus of educational costing from one tied to a student's time in school to one based on student growth and development and/or on programme offerings;
- (e) refrain from the development of complex guidelines and concentrate on materials that will encourage programme variations in schools and communities across the province.

Similarly, in the relationship between school boards and their individual schools one might:

- (a) develop mechanisms that would encourage direct input from individual schools on proposed policy changes (see Recommendation 33);
- (b) institute school based budget procedures;
- (c) develop procedures that would permit more decisions regarding staff composition (teaching and non-teaching) to be made at the school level, possibly with the involvement of the School Committee (see Recommendation 34);
- (d) establish as a board priority the development of community outreach programmes at the school level (see, for example, Recommendation 33);
- (e) encourage the development of programme variations by individual schools that are designed as school or community related packages as outlined, for example, in the Ontario Schools, Intermediate and Senior Divisions, Programme and Diploma Requirements (OSIS).

The Commission emphasizes that the examples listed above, some of which are currently implemented by some school boards, are intended only as illustrative. The actual choice of which specific strategy would best serve to realize a general policy objective would need to emerge from detailed discussions between the parties directly involved.

In regard to improving the range of choice available to individual students within the publicly funded systems, the Commission believes that attendance areas within school boards should be open. Therefore, the Commission recommends:

**38. That the *Education Act* be amended to give a person the right, without regard to race, religion, or place of residence within the school section and without payment of a fee, to (within constraints of space and the board's transportation policy) attend any board school in a school section, separate school zone, or secondary school district, as the case may be, in which she/he is qualified to be a resident pupil.**

The Commission expects that, over time and in conjunction with a policy that stresses greater autonomy at the level of the individual school (see Recommendation 37), this recommendation will result in a closer match between student (and parent) choice and the actually available programmes rather than in the present temptation to artificially retain enrolments by adjusting boundaries to suit the present school.

The experience of declining enrolment and the potential erosion of its financial base has led some school boards to hesitate to pay the fees of persons qualified to be resident pupils but who wish to take programmes in another school jurisdiction — in some cases when the programme is not available within the local school board. Nevertheless, the Commission does not believe that arbitrary school board boundaries should be used to limit student choice between school districts any more than it should be used to limit student choice within a school district. Therefore, the Commission recommends:

**39. That the *Education Act* be amended to require a school board to pay the fees of a person qualified to be a resident secondary school pupil who attends a secondary school in an adjacent school board, where the appropriate supervisory officer certifies that accommodation is available and if:**

**(i) the secondary school in the adjacent school board is closer to the person's residence than the secondary school that she/he is currently attending;**

**and/or**

**(ii) the resident secondary student selects a programme not available in his/her school board;**

**and**

**(iii) the resident secondary student provides his/her own transportation.**

The Commission understands that the above recommendation does not, in fact, provide fully open enrolment across school district boundaries. Thus, for example, the recommendation is limited in its application to secondary schools. Even so, the Commission recognizes that full implementation of the recommendation cannot be immediate as current practices must be carefully revised and adjusted. It will, however, be important to the success of the proposed venture to know the number of students who request such cross-board registration as well as the number of those requests that could be accommodated. Therefore, the Commission recommends:

**40. That school boards be required to report in the Ministry of Education September Statistical Report both the number of non-resident pupils that sought registration and the number of non-resident pupils registered in the board's secondary schools during the preceding school year.**

The Commission is aware that the implementation of Recommendations 38, 39 and 40 amount to the introduction — in a very limited and modified way — of educational vouchers (i.e., official scrip or its equivalent which can be exchanged for educational services at the school of one's choice) within the public and separate school systems. The first person to have suggested this approach to the provision of schooling seems to have been the eighteenth century English political economist, Adam Smith, who proposed that the government give parents money to hire teachers for the schooling of their children.

More recently, this notion has been taken up by a variety of thoughtful commentators who argue, among other things, that: (a) the traditional justifications for monopoly (e.g., economies of scale) are not proven for schooling; (b) therefore, schooling would benefit from the advantages (e.g., efficiency, the priority attached to individual choice) of free market approaches; (c) at present only affluent parents have effective control over the education of their children whereas voucher systems, by fostering active parent interest and variety, will not only enfranchise all parents but will improve all participating schools — both public and private. It is admitted that the assumptions of the free market (i.e., that individuals have all relevant information, act as individuals and have a well ordered set of preferences; that each supplier is too small to have an impact on the market; and that there is a production function without economies of scale) may not be entirely appropriate with regard to schooling. Nevertheless, they are, it is said, a more reasonable approximation to reality than the corresponding assumptions underlying the current near-monopoly position of the public schools.

Those opposing educational vouchers argue, again among other things, that (a) vouchers are only a viable option when society is willing to distribute educational goods and services in accordance with the way the market distributes income and (b) unless accompanied by massive market regulation vouchers will inevitably reduce choices for parents whose children are deemed less desirable by most educators, thus turning the public schools (which by present understandings must accept all students) into a repository for the difficult-to-serve. Moreover, they suggest that, whatever the inefficiencies of the public system, the more egalitarian distribution of schooling helps to create the social solidarity so necessary to any continuing community, for it focuses on schooling not simply as a consumer good but also as a public good. There are, it is argued, significant and positive externalities (i.e., indirect benefits) associated with both compulsory and public schooling — a point of view not always accepted by those with a more free market orientation.

In the view of the Commission, there are many strong attractions to the free market arguments for educational vouchers. In addition, however, to the opposing arguments referred to above, there was a further consideration which led the Commission to reject educational vouchers as a general method for the funding of both public and independent schools. This additional consideration was pragmatic rather than theoretical in nature. There is, in Ontario, a public school system in place — one which has provided, and continues to provide, many benefits to the citizens of the Province. These benefits ought not to be carelessly risked. Any broad scale and immediate shift to a voucher model would represent such a risk whatever the strength of the arguments in favour of such a model, since these are arguments for what would be the case when the "equilibrium point" is reached. The dynamics of getting from the present point to the equilibrium point are unknown and neither the time needed for the process nor the stability of the process is well understood. Therefore, the Commission chose not to recommend vouchers — or some variant of the voucher idea — across all school categories but rather to limit its application to certain "choice points" in the public schools, thus providing Ontario with a cautious and limited opportunity to gain experience with a voucher-like system. The frequent objection to such a limitation (i.e., that it allows publicly funded school boards to be the sole determinants of what educational innovation is to receive public support) is dealt with — at least to some extent — by the set of recommendations with regard to the programme for associated independent schools.

### *(5) Special Cases*

During the various phases of the Commission's work, a number of public policy concerns were raised that, in some cases, were only tangentially related to the Commission's terms of reference. After some consideration, the Commission came to the view that it was in the interests of the people of Ontario for the Commission to respond to the following four of these concerns: (a) pre-school programmes; (b) home schooling; (c) religious education programmes; (d) the availability of special education services.

### Pre-school programmes

The Commission believes that in the interests of expanding the educational diversity available to Ontario children, it should be possible for school boards and private schools to initiate experimental programmes that extend our current concept of schooling. Moreover, such programmes should be supported and encouraged by the Ministry of Education. Therefore, and as a first step, the Commission recommends:

> **41. That the *Education Act* be amended to provide the Minister of Education with the authority to grant to school boards and independent schools permission to lower the age at which children may legally attend school for experimental programmes which are based on (e.g., as in Montessori and some early intervention models) a specific educational philosophy.**

In addition, despite current legislation[1] which appears to limit the student body of private schools to children of or over compulsory school age, (i.e., 6 or over) some private schools operate with the minimum number (i.e., 5) of school children of compulsory school age and complete their student body with a majority of children under compulsory school age. At the same time, subclause 1(d)(iii) of the *Day Nurseries Act* excludes part of a public school, separate school, private school or a school for trainable retarded children under the *Education Act* from the definition of "day nursery". This has created a dilemma in which the extent of ministerial responsibility for these young children (i.e., pre-school children at private schools) is unclear.

It is clearly the case that in most private schools the pre-school programmes provided are educational in nature. The Commission has, however, some concern in those few cases where the programme is primarily one of child care and it appears as if the operators are utilizing anomalies in the legislation of the Ministry of Education (responsible for the *Education Act)* and the Ministry of Community and Social Services (responsible for the *Day Nurseries Act)* to avoid Ontario's child care regulations. Therefore, the Commission recommends:

> **42. That, in order to ensure provincial day care standards are maintained when the children in attendance at an independent school are primarily under compulsory school age but are not there for either a junior kindergarten, senior kindergarten or special experimental programme (see Recommendations 8 and 41), a committee made up of representatives of the Ministry of Community and Social Services and the Ministry of Education be established to clarify the special responsibilities of these schools.**

### Home schooling

Another form of schooling operating outside of the public and separate schools is home schooling. It gradually became apparent from the activities of the Commission that, in a number of instances, groups of home schooling parents who between them had at least the minimum number of children (5) required for the establishment of a private school were setting up a private school not as a substantive educational enterprise but as a means of avoiding the Province's home schooling regulations. In the Commission's experience, the children enrolled in these schools were physically dispersed and taught in individual homes by their parents. The Commission neither disputes the right of parents to conduct home schools nor wishes to comment on the appropriateness of the current provincial regulations for home schooling. It does, however, believe that home schooling should operate as intended by the current legislation and regulations. Therefore, the Commission recommends:

> **43. That the eight school age children required to establish an independent school (see Recommendation 7) be required at each geographical site at which the independent school operates.**

Further, under current legislation, the chief education officer for the school board in which a child is legally qualified to be a resident pupil is responsible for the quality of education provided for that child whether educated at home or in the local school system. Parents and legal guardians must accept, therefore, the requirements for providing satisfactory instruction (see Recommendation 2) when educating a child at home although the plan of home instruction might well differ significantly from that used in a board school. It becomes important, therefore, for continuity of programme that every parent or guardian planning to educate a child at home inform the director of the local school board well in advance of the withdrawal of the child(ren). Therefore, the Commission recommends:

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[1] *Education Act*, paragraph 40 of subsection 1(1). Ministry of Education, Ontario, 1985.

**44. That any parent or guardian intending to initiate the home schooling of her/his child(ren) be required to so inform in writing the Director of Education of the school board in which the child(ren) is/are resident pupil(s) ninety days prior to the beginning of the home instruction.**

### Religious education

The Commision believes that the provision of religious education in our schools has the potential to provide a basis not only for the understanding of one of the most significant aspects of human experience but also for the development of tolerance and understanding among the members of Ontario's multicultural society. Therefore, the current Ministry of Education policy which permits only students attending the Roman Catholic separate schools to earn credits in religious studies in addition to those available from the World Religions guideline seems inappropriate. The present plans for the extension of full funding to the Roman Catholic secondary schools simply amplifies the credit requirement discrepancy between students attending these schools and all other secondary school students. Therefore, the Commission recommends:

**45. That all secondary school students be permitted to earn, in addition to those available from the World Religious guideline, a maximum of two credits in religious studies toward the Ontario Secondary School Diploma.**

At present, the religious studies credit courses[1] offered by Roman Catholic separate schools are developed by the local separate schools, are not based on provincial guidelines, and do not require Ministry of Education approval as do all other non-guideline credit courses. Since Recommendation 45 provides the option for all students to earn religious studies credits, there is some urgency in developing a new guideline to establish the appropriate parameters for such courses. Such a guideline should stress the importance of a comparative religious perspective especially for citizens of a pluralistic society. Further, the Commission does not believe that confessional approaches to such courses (i.e., approaches designed to inculcate a specific system of belief) should be part of credit work toward a public and provincial diploma. Therefore, the Commission recommends:

**46. That each secondary school religious studies credit course be non-confessional in nature and include a comparative perspective as well as some emphasis on both a theological point of view and general issues in ethics and be developed, as is the case for all other credit courses, from a new Ministry of Education guideline.**

It is, of course, to be understood that Recommendation 46 above does not relate to non-credit activities which may form a part, perhaps even a central part, in the programmes of either the separate schools or other schools which are religiously defined.

Regulation 262,[2] subsection 28(4), provides that in board of education elementary schools two one-half hour periods per week are to be set aside for religious observance. The Ministry of Education materials for this programme are outdated and, in practice, it is apparently seldom that the religious observance requirements are met. Nevertheless, and despite the countless historical examples of religious intolerance both in Ontario and elsewhere, the Commission believes that the present requirement is potentially beneficial to a multicultural society particularly as we in Ontario strive to understand the many parts that make up the social whole. In this context, a programme using new materials, a new guideline and presented from a comparative perspective might be a small but meaningful step in the development of tolerance and understanding within the province. Therefore, the Commission recommends:

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[1] *Ontario Schools Intermediate and Senior Divisions, Programs and Diploma Requirements*, Ministry of Education, Ontario, 1984, p. 33.

[2] *Elementary and Secondary Schools and Schools for Trainable Retarded Pupils — General.* Ministry of Education, Ontario, 1983.

> **47. That the Ministry of Education develop new materials for the religious programmes required in the board of education elementary schools and that such programmes be (a) non-confessional in nature and (b) developed from a comparative perspective with some emphasis on both a theological point of view and general issues in ethics.**

The Commission's stress in each of the preceding three recommendations on the non-confessional nature of religious education in the public realm is deliberate. The Commission believes that learning about religion can be an appropriate and beneficial function of publicly funded schools but that confessional objectives — although important in their own right — are the appropriate obligation not of the schools but of the family and religious communities. The Commission admits that this distinction is somewhat artificial in theory and, in any case, difficult to work out in practice. It remains, nevertheless, at least in the view of the Commission, an important distinction to maintain.

### Special education

The activities of the Commission brought it into direct contact with special education private schools, parents with children in special education private schools, special education associations, and school board and Ministry of Education personnel with special education responsibilities. Although all of these individuals and groups seemed thoughtful and reasonable in their approach, all also seemed wary of the integrity of the others involved in special education, and all seemed apprehensive about the September 1, 1985 date for the full implementation of *Bill 82.* This apprehension or wariness seemed to arise from the quite different perspective from which each group views the expectations created by *Bill 82.* Parents and their representatives understand the expectation of "appropriate programmes and services" as the very best available regardless of the costs. School board personnel, on the other hand, view the appropriate programmes and services as those that can be reasonably delivered. Some common understanding of the term "appropriate programmes and services" is essential if the exceptional efforts of all of those involved in special education are to be focussed on the needs of the child. Therefore, the Commission recommends:

> **48. That subsection 8(2) of the *Education Act* be amended to specify that appropriate special education programmes and services are those that, *within the limits of a board's resources and other responsibilities*, provide each child with the opportunity to reach his or her potential.**

The Commission understands that the suggested change seems an unfortunate retreat from the apparently fuller and more ringing commitment of the present legislation. The Commission suggests, however, that the entire community — including, of course, those children with special needs — will be better served by a more realistic understanding of our resources and our capabilities.

During the past five years, great strides have been made by school boards across the province in implementing the special education programmes and services required by *Bill 82.* Despite these strides, a number of special education parents and many educators suggested that the fullness of programme and service imagined in *Bill 82* would not be entirely in place by September 1985 and, moreover, might not be entirely in place at any future date. What is in question is neither the intentions nor the efforts of those involved but the very possibility of imagining a future in which there can be a full response to the needs of literally every child. In addition, given the intense affect and personal involvement that characterizes special education identification, placement and review, there are certain to be times when the process in a particular school or school board breaks down for reasons unrelated to the competence and effort of the child, parents, teachers, administrators, and resource personnel involved. Some "escape valve" is required.

Therefore, the Commission recommends:

**49. That special education legislation, *Bill 82 (The Education Amendment Act, 1980)*, be amended so that, in those circumstances when a school board is unable to itself provide or purchase from an adjacent school board a programme identified by the Identification Placement and Review Committee (IPRC) as appropriate for a student, the school board be permitted to purchase the programme from an independent school that is also approved for special education.**

The purpose of using independent school resources is neither to relieve the school boards of their responsibilities for all persons qualified to be resident pupils nor to bypass the provincial facilities (e.g., Trillium) but rather to provide an additional avenue of approach for the solution of a few especially hard to serve cases. Indeed, unless Recommendation 49, or something similar to it, is implemented, schools will be virtually forced by the legislation to tailor student needs to the available programmes rather than the programmes to the need of the student. Further, such exceptional cases are likely to require programmes with higher than usual costs. Therefore, the Commission also recommends:

**50. That the costs of any special education programme placement in an approved independent school be shared equally between the school board and the Ministry of Education.**

The current special education literature frequently stresses the importance of bringing special education learners into meaningful contact with the school and community. Thus, wherever possible, placement should be in the local community with familial residence and support maintained. Therefore, the Commission recommends:

**51. That, excepting in those jurisdictions with very limited facilities, programmes in independent schools approved for special education which do not retain the student in a family setting or within a board's jurisdiction be considered only in exceptional circumstances.**

The Commission recognizes that, in some cases, residential settings may be an essential part of a prescribed programme. Such cases should, however, be considered unusual and, in any case, such placements should certainly not be used simply as a way of relieving parents of their own appropriate responsibilities.

As mentioned in Chapter III, the private schools visited by the Commission were, as had been expected, extremely variable, some being deplorable and others exemplary. The same experience held for the subset of special education schools — some were commendable while others seemed questionable. With regard, therefore, to the implementation of Recommendation 49, a mechanism will be required for the approval of the independent schools participating in this special education programme. Therefore, the Commission recommends:

**52. That, in order to implement Recommendation 49, the Ministry of Education develop, in cooperation with the publicly funded school boards, appropriate independent schools and the relevant associations, a process for approving, in terms of facilities, staffing and programme, independent schools operating in the area of special education and wishing to be eligible for purchase of service by school boards.**

Since, under the provisions of Recommendation 49, only school boards can access public funds for the purchase of special education services of independent schools, there will be a need for an appeal procedure — not unlike that currently in place under *Bill 82* — available for parents and guardians. Therefore, the Commission recommends:

**53. That the appeal procedures currently used in the placement of exceptional children apply also to students identified pursuant to the process outlined in Recommendation 49.**

*Bill 82* was designed to provide for the needs of all Ontario children. Therefore, in the view of the Commission, all Ontario children should have the right to an appropriate Identification Placement and Review Committee (IPRC) process, regardless of where the particular child attends school. Current interpretation of *Bill 82*, however, limits the IPRC process to children enrolled in schools operated by publicly funded school boards. Therefore, the Commission recommends:

**54. That each child attending an independent school be eligible for an Identification Placement and Review Committee (IPRC) process to be provided by the school board in the jurisdiction in which that child would otherwise be qualified to be a resident pupil.**

The costs of implementing Recommendations 49 and 54 will be substantial. The cost for the purchase of special education services at independent schools will, of course, depend on the number of students placed. Assuming, however, that this number will be approximately one-third of the three hundred students in special settings and funded by the Ministry of Community and Social Services during the 1984-85 school year, the annual cost of the programme would be approximately $2,000,000.00 to be shared equally by the Province and the local school boards. The cost of entitling independent school students to the IPRC process will be similar. Assuming a need to provide this service for 6,600 of the 55,000 students enrolled in independent schools and a cost of $500.00 per student, the total cost to the provincial treasury would be $2,300,000.00 per year.

### *(6) Some Matters of Process*

The procedures associated with the review of public policy and the subsequent development of any recommendations for new public policy are a part of a continuing process — a process that requires particular care to ensure the successful placement of any new policy in the hands of a knowledgeable citizenry. With regard to the consideration and potential implementation of the policy recommendations in this Report, the Commission has, therefore, developed several procedural recommendations for both the Ministry of Education and the Provincial Government.

#### Ministry of Education

If a significant number of this Report's recommendations are in due course adopted by the Government of Ontario, appropriate implementation will require a focal point within the Ministry of Education to both monitor the programme and provide leadership to board and independent schools across the province. Therefore, the Commission recommends:

**55. That section 8 of the *Education Act* be amended to provide authority for the Minister of Education to establish an Independent School Branch of the Ministry of Education with responsibility for the:**

- **(i) approval and registration of independent schools;**
- **(ii) inspection of independent schools for Ontario Secondary School Diploma purposes;**
- **(iii) coordination of the cooperative evaluation programme for independent schools;**
- **(iv) coordination of any provincial testing programmes involving independent schools.**

It was evident to the Commission from both the visits to private schools and the informal consultations that a pool of expertise exists to support the Independent School Branch not only in the Ministry's regional offices, where some exceptional relationships with private schools have been developed, but also in private consulting firms and the ranks of other educational personnel — both active and retired. Therefore, the Commission recommends:

**56. That the Independent School Branch (see Recommendation 55) be operated with a minimum of its own special staff and, where possible, contracts be established with appropriate personnel and/or agencies for the tasks assigned to the branch.**

### Provincial Government

The Commission believes that its recommendations represent a reasonable compromise in a public policy area where there is little public consensus. Maintaining this balance will require a continuing dialogue in both the immediate future and the longer term. With regard to the immediate future, the Commission recommends:

57. **That, following the publication of this Report, the Government provide some appropriate opportunity for public response and discussion prior to initiating specific legislative and/or regulatory action.**

In recent years, the many changes in Ontario's publicly funded schools brought about by, for example, declining enrolment, *Bill 82*, the extension of separate school funding, the introduction of heritage language programmes, the changing programme parameters in secondary schools, and the pressure to reduce provincial and municipal funding obligations have all combined to place the schools in a difficult position. The resources being made available to the schools do not always seem to match the expectations held out for the schools. Further demands without either additional resource support or diminished expectations for performance in other areas could distort the entire fabric of schooling in Ontario to the detriment of all, especially the young. Therefore, unless current school responsibilities are reduced, the Commission recommends:

58. **That the Government not proceed to implement those recommendations of the Report that will require budget support unless it is willing to fund the new programmes in addition to the present budget base.**

With specific regard to possible implementation, the Commission also recommends, consistent with the present provision of the *Education Act:*

59. **That the benefits of any of the recommendations of this Report be provided only for any person in Ontario qualified to be a resident elementary or secondary school pupil.**

Although the recommendations of this Report are listed individually, their meaning and their consequence, if implemented, will clearly depend on which one or more of the recommendations are adopted as public policy. Therefore, the Commission recommends:

60. **That, to assist in the development of a coherent public policy, the relationship between the various recommendations of the Commission should be carefully considered prior to a decision to implement one or more of them.**

At the beginning of this Report and again at the beginning of this chapter, it was suggested that there is no final answer to the question of the "extent to which public monies should be used to support the education of persons enrolled in private elementary and/or secondary schools" and that any existing arrangement with regard to this matter can be expected to change over time. The passage of time can bring with it not only the fruits of additional lived experience but also new insights, new understandings, and new ideas. What is important for Ontario as a society is to actively reflect on its developing experience and to adjust its policies in light of both that experience and the meaning assigned to it by its underlying value commitments. Therefore, the Commission recommends:

61. **That the implementation of any of the recommendations of this Report be reviewed after five years in order to assess the impact of the new policy on both the publicly funded school boards and the independent school communities in particular and, more generally, on the public weal.**

### The Costs[1]

The costs of funding the new programmes recommended by the Commission are difficult to estimate since so much depends on which recommendations — if any — are eventually adopted as public policy, the specific details of that new policy when adopted, and the "participation rate" in those policies of both private and public schools. Thus, the Commission's cost estimates can be no more than first-order approximations. Nevertheless, the Commission believes that such estimates should be provided as at least preliminary information to those concerned with the development of the relevant policy.

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[1] All costs presented in this Report are in 1984-85 dollars.

In presenting the individual recommendations of the Commission, the *annual* costs of the proposals were estimated for the associated schools programme, the transportation and learning materials grants, the placement of special needs children in independent schools, and the entitlement of all Ontario children to special programme assessments as approximately $51,000,000.00, $10,500,000.00, $2,000,000.00 and $2,300,000.00 respectively. There are, however, two other Commission proposals to which are (or might be) attached substantial recurring costs. The first is the incentive funding programme for alternative schools within the public and separate school sector (see Recommendation 36). Assuming that a 10% weighting factor were the particular incentive chosen and that in each year new alternative schools enrolled 2,000 elementary and/or secondary school students, the annual costs of this programme would be approximately $2,250,000.00. The second is the proposed experimental programme for children who are below compulsory school age (see Recommendation 41). If, in addition to permitting these programmes, the Ministry of Education wished to fund them, the approximate initial cost (assuming a half-day programme and an enrolment of 3% of the Province's three-year old children) would be — again approximately — $6,750,000.00 annually. Thus, the total annual cost to the provincial treasury of all six programmes specified above would be $74,800,000.00 per annum.

In addition to these major cost programmes and those (e.g., Recommendation 33 concerning adult education) where any cost estimates must await further policy deliberations, there are the less substantial but, nevertheless, recurring costs to be associated with the establishment of an Independent School Branch of the Ministry of Education. The cost of the basic establishment of this Branch, assuming a staff complement of three (of which two would be professionals), is estimated to be in the neighbourhood of $275,000.00 per year, and there would be a need to provide additional funds for the Branch's new activities and contract work (see Recommendations 55 and 56), the most substantial aspect of which would be the $325,000.00 estimated to be required annually for the cooperative evaluation programme.

Finally, there are a series of one-time-only costs that would be incurred in implementing such recommendations of the Commission as the development of an approval process for special education independent schools (see Recommendation 52), the development of the standards of qualification for independent school teachers (see Recommendation 14), the clarification of jurisdictional questions with regard to pre-school children (see Recommendation 42), and the registration of the presently operating private schools (see Recommendation 10). Since, however, with the possible exception of the initial registration process which is estimated to cost $60,000.00, all of these costs are not only one-time costs but are also relatively small, no specific cost estimates are provided. These estimates would not, in any case, be relevant to the consideration of the policy questions raised.

### The Consequences and the Challenge

In the rapidly changing world of the late twentieth century, it has become notoriously difficult to predict the future, even over very short periods of time. "The future", someone is reported to have said, "is not what it used to be." Nevertheless, the Commission believes that it is appropriate — although, perhaps, also foolhardy — for it to sketch out, at least briefly, the salient consequences to the Province and its schools of the adoption of a substantial number of the Commission's recommendations. The Commission recognizes that its forecasts must, perforce, be somewhat speculative, but it believes that they can also be of some value in the public policy discussions concerning independent schools.

The initial policy conundrum for the Commission, as outlined earlier in this chapter, was how to develop a set of recommendations whose implementation would increase educational diversity and parental choice and respond to certain problems of discrimination with regard to the special treatment of the Roman Catholic community while, at the same time, enhancing the integrity and vitality of Ontario's public schools. The Commission believes that the adoption of its recommendations — if treated as a comprehensive and often interrelated set — will result in some progress toward each of these goals. For example, with reference to only two of the more substantial of the proposed initiatives, the associated schools programme should increase parental choice, provide for a more equitable treatment of the Province's various school communities and yet bring an entirely new range of Ontario schools into a substantive relationship with the Province's public schools. At the same time, the alternative schools programme has the potential to greatly increase the diversity of the educational options available within the public and Roman Catholic separate schools.

From a slightly different perspective, the implementation of the associated schools programme on any substantial scale is also likely to lead to some increase in the proportion of Ontario's elementary and secondary school children attending independent schools — if only because of the elimination of tuition fees. The Commission does not expect that this increase will be either precipitate or large since (a) the associated schools programme will probably mature slowly and (b) the establishment and maintenance of a school community requires resources of ideas and commitment that are not easy to either develop or sustain. The Commission's estimate is that over a decade — and as a result only of the Commission's own recommendations — the enrolment of students in the Province's independent schools other than the Roman Catholic secondary schools will rise from 3% to no more than 6% of the Ontario elementary and secondary school population.

The implementation of the Commission's recommendations would also have an effect on the actual and perceived autonomy of the Province's independent schools. In addition to the new constraints of a more strictly defined criterion of "satisfactory instruction", the independence of these schools will also be reduced, for example, by the Commission's requirements that (a) only formally qualified teachers be employed and (b) independent schools not a part of the secondary school inspection programme engage with the Ministry of Education in a cooperative evaluation exercise. Further, for those independent schools opting for associated schools status, there are the additional constraints of open access, the elimination of tuition fees, and the certification of all teachers. In the opinion of the Commission, however, this loss of independence is not untoward. First, for many independent schools, the loss is entirely formal, for they have long operated either on the basis of the proposed arrangements or on a standard that is — except for access and tuition charges — even higher. Second, associated schools status is entirely optional on the part of an independent school and those independent schools not wishing to participate in this programme need not do so. Third, and most important, these constraints on independence are a small price to pay in order that the Province can assure its citizens that there is an appropriate minimal standard for all schools — public or independent.

In addition, the losses consequent to the Commission's recommendations (i.e., of some autonomy for the independent schools and of almost exclusive access to the public treasury for the board schools) seem to the Commission to be appropriately offset by the gains to which the Province and its schools may fall heir. Some of these (e.g., increased diversity of both type of school and model of school governance; the establishment of standards applicable to all schools; the more equitable treatment of all school communities) have already been mentioned but there are, in addition, others whose value is also considerable. Among these advantages, the Commission argues, are the particular standards recommended for the definition of satisfactory instruction, standards which while allowing for the fact that there has always been more than one way to become a Canadian also stress that the general objective of all of our schools must be to save children for ideas and not from them.

On another level, the Commission recognizes that human history demonstrates that women and men have capacities for both conflict and cooperation. The Commission believes, however, that, in the final decades of the twentieth century, it is the human capacity for cooperation that must be most strongly reinforced. Thus, an advantage of the Commission's recommendations is that, as a set, they do not opt either for the already outlined difficulties of the status quo or a funding approach to independent schools that operates either entirely at the expense of the public schools or in a way formally unrelated to them. Rather, these recommendations represent an approach which can strengthen the relationships between schools and school-types. This is, however, an approach that can only succeed if all of those involved are prepared to summon up their resources for cooperative, perhaps even conscionable, behaviour. Interestingly, Green[1] has described a variety of aspects of conscience among which are the conscience of membership (i.e., the recognition that we must sometimes act for the sake of others) and the conscience of sacrifice (i.e., the willingness to override the pursuit of self-interest and act beyond the limits of mere duty). The success of the Commission's proposed programmes if, in fact, they are adopted, will depend to no small degree on the extent to which these aspects of conscience are exhibited by the government through its Ministry of Education, by the board of education schools, by the independent schools, by the separate schools, and by the many communities and constituencies to which each of these relates and responds. Since such behaviour cannot be assumed, the outcome is uncertain but, in the view of the Commission, the challenge is worth a response, and the risk is worth taking. One need not envision either a collective perfection or a blithe ignorance of the likelihood that the insufficiencies of our existence are firmly grounded in human nature. What, however, is required is both a vision of a society that is not characterized entirely by parallel and independent institutions – whether schools, hospitals, sports groups, labour unions or political parties – and that can exhibit a flexibility of mind and heart sufficient to work toward a more cooperative ideal. The Commission's proposed programme presents Ontarians with one new opportunity to assess the degree to which such an ideal may be within reach.

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[1] Green, Thomas, *The formation of conscience in an age of technology*. John Dewey Society, San Antonio, 1984.

A positive response to such a challenge is a complex matter and one of the disadvantages of the Commission's recommendations is that, if adopted, they will complicate rather than simplify the Ontario schooling environment. This is unfortunate but complexity may be the price of a focus on multiple rather than single objectives. Moreover, the programmes envisioned in the Commission's recommendations are certainly no more complicated than (and are, in some ways, a special case of) Ontario's and Canada's more general problem of developing a society which avoids both the anarchy of extreme cultural pluralism and the totalitarianism that can result from using the schools or other social institutions to stamp out diversity. Further, the recommendations do not, in fact, propose very radical change. Many reformers will, therefore, find the recommendations insufficient, but experience does often suggest that small changes are likely to be enduring changes.

In considering options and in making plans, the government of Ontario and those responsible for the Province's schools – both public and independent – must remain aware, as the Commission itself has tried to do, of the new constraints on the freedom of choice represented by *The Canadian Charter of Rights and Freedoms.* The currently pending challenge to the extension of funding to Roman Catholic secondary schools may not be entirely relevant to the recommendations of this Commission since the Commission's concerns with discrimination are based on both legal and moral grounds. Nevertheless, the Ontario and Canadian courts could, for example, find fault with the Commission's conception of equity. In addition, since a more active arrangement for judicial intervention is a relatively new phenomenon in Canadian constitutional experience, the quite unexpected may, in fact, develop. For example, it is not unimaginable that the government support of religion, seemingly so central and distinctive a dimension of Canadian experience, may come under attack if the judicial system begins, in its interpretation of the *Charter,* to respond positively to such issues as establishment, entanglement, and the justice of requiring some individuals to support institutions in which they do not believe and to which they are, at best, indifferent. The Commission does not itself foresee this particular eventuality but its mere possibility is illustrative of the quite new context which Canadians have provided for themselves.

That some change is required is not, however, simply a function of Ontario and/or Canadian experience. The world itself is changing and its various jurisdictions are becoming, as is frequently emphasized, more and more interdependent. Thus, even if the wider objectives (e.g., a commitment to intellectual and moral autonomy including the pursuit of moral values such as truth, courage, justice and friendship) remain the same, society will need to make different choices so that these ends can be achieved. The Commission hopes that its recommendations are an imaginative response to this challenge of change. Certainly, the Commission has approached its task in the belief that there is nothing inevitable about either the improvement or the decline of our schools. The effort to improve them will depend upon the quality of our ideas and the quality of our ideals, ideals that may never be fully achieved but are not, therefore, to be abandoned.

**Appendix A**

# STATEMENT TO THE LEGISLATURE BY: WILLIAM G. DAVIS, PREMIER

**June 12, 1984**

# ELEMENTARY AND SECONDARY SCHOOL FUNDING IN ONTARIO

**A statement to the legislature by William G. Davis Premier**

Mr. Speaker:

I wish to inform members of the Legislature that the Government has undertaken a careful and fresh review of the outstanding issues surrounding public support for the Roman Catholic school system, and this afternoon, I wish to outline a new course we have decided to pursue.

As colleagues on both sides of the Legislature well appreciate, this has been a subject of long and heartfelt controversy in the development of Ontario, ever since we assumed the burdens and choices that go with responsible government in 1842.

In an open dynamic society such as ours, basic issues are not resolved or sincere differences settled in silence. However, we have managed to grow together because we have respected each other and, from time to time, we have reconciled long-standing differences and then moved forward. Progress is made, not by opening old wounds, but by healing old grievances. In that spirit, I believe we have an opportunity now to put one of these difficult issues behind us as we seek to continue the progressive and harmonious development of our province.

The architects of Confederation — John A. Macdonald and George Brown — were Protestants who preferred the development of a non-sectarian education system. However, in order to secure their national vision, they accepted and advocated the protection of denominational "common" schools in *The British North America Act*. All Ontario provincial governments since that time have interpreted the "common" schools of that day as the elementary system. Consequently, dual elementary Roman Catholic and public education systems have been maintained and equitably funded across Ontario.

Historically, it has been possible for elementary schools to continue through to the tenth grade, and, in recent years, many Roman Catholic school boards have organized their programs, with public support, to enrol pupils at the Grade 9 and 10 level.

In keeping with the understood interpretation of the Canadian Constitution, secondary Roman Catholic schools have not been provided with public funds beyond Grade 10. Roman Catholic families have seen, and continue to see, such a limitation on public funds beyond this level as arbitrary and inequitable.

### Guided by Three Principles

In considering, at this time, whether or not the Government of Ontario should extend financial support to secondary Roman Catholic schools, as has been requested by the Roman Catholic community for over half a century, we have been guided in our deliberations by three fundamental principles, all of which must be respected in the resolution of this matter.

First, we must not only respond to the claims of the moment, but we must also work to honour those contracts and obligations which were struck to create a united Canada in 1867.

Second, we must not undertake a course of action, that by its nature or in its execution, would cripple or limit the viability of our non-denominational public secondary school system, which is accessible to all and universally supported and which will always remain the cornerstone of our education system.

Third, we are not mere hostages to old arrangements. So, we have a contemporary responsibility to be sure that our answer on this question strengthens rather than fragments the social fabric of this province.

While men and women of courage and conviction have been divided on this issue, up to now, no Ontario government has felt it was able to discharge its duty according to these fundamental principles while at the same time granting public funds to a complete Roman Catholic secondary school system. Mr. Speaker, I now believe this *can* be responsibly undertaken and, therefore, it is our obligation to resolve the issue.

### This New Direction

This new direction is not compelled by or founded upon a reinterpretation of old statutes or jurisprudence. The letter of old law cannot substitute for common sense. Further, we must all appreciate that historic benefits must keep up with changing times. Roman Catholic families do not object to paying their share of the cost of an extensive universal non-denominational education system. However, they cannot at the same time accept a logic which argues that their taxes should be up-to-date, but their historic benefits should be locked in time.

Since the beginning of our parliamentary democracy, freedom and, therefore, diversity and pluralism, have been fundamental values. Our public school system has always been fundamentally important and our commitment in this regard must not be diminished.

The strength of Ontario's educational heritage rests in the general merit and value of a universally accessible, publicly supported school system. However, experience has now taught us that a limitation on public funding which confines it to the public secondary school system is no longer required to sustain the viability of public education in Ontario.

### Secondary System Not Jeopardized

Implementing a dual secondary system will necessitate wise administration, which I will address in a moment. Yet, I am confident that our secondary system, in which we can all take considerable pride, will not be jeopardized. For some time, a third of the students in our dual elementary system have been enrolled in our Roman Catholic schools. And, through the administration of core curriculum and proper funding, our public elementary school system certainly has remained viable and, indeed, second to none. With more stable enrolments at this time, along with appropriate funding, core curriculum and, soon, province-wide testing, there is absolutely no reason to believe that our public secondary system will perform any less effectively in the future.

Of course members should be aware of the fact that to protect our public education system, while assuming some costs which are now carried privately by Roman Catholic families, will require additional public funding. While some of this can be accomplished through appropriate redistribution, our ultimate objective will remain one of providing high quality education at the lowest possible cost to the taxpayers.

In practical terms, I do not believe we could or should create a separate public system for a small segment of our community that wishes to isolate itself. However, we are addressing today the aspirations of a good third of our families who have demonstrated their competence and determination to provide contemporary education for their children.

### Must Build Fellowship and Common Values

Above all, Mr. Speaker, I wish to address a concern I have always held and which has been honourably put forward by many others. In all our endeavours, we must seek to build fellowship and common values, not segregation and mutual suspicion. But dualism today surely does not mean upholding, advancing, or legitimizing the ancient idea of a separate Protestant Ontario and a separate Roman Catholic Ontario.

Clearly, our Roman Catholic citizens want to maintain their own school system for their children. However, our community is not, as tragically some other parts of the world still are, divided on religious grounds. Roman Catholics, regardless of their educational backgrounds, work equally within our society and are every bit as ambitious to share fully in the life and progress of Ontario.

If we are to serve the spirit and the realities of 1867, we should acknowledge that basic education was what was recognized then and, today, basic education requires a secondary, as well as an elementary, education. As the non-denominational system has evolved to meet society's needs, so too has the Roman Catholic system.

The extension of financing to separate school Grades 9 and 10 demonstrates that financial and operational arrangements can evolve over time and honour the intentions of the original constitution. If we work co-operatively and prudently, we can complete this task without compromising the quality of our public schools, while demonstrating the essential justice and good faith of our society.

Therefore, it is the Government's intention to permit the Roman Catholic school boards to establish a full range of elementary and secondary education and, as part of the public system, to be funded accordingly. This new program will be introduced at the rate of one year of secondary education for each school year beginning September 1, 1985. This process will be accomplished in much the same way that we are implementing the new Special Education provisions and will parallel the revised secondary school structure.

Some flexibility will be included so as to allow for a phase-in period that is in keeping with the capacity of the individual board in question.

### Set up Commission

Our first step will be to set up a planning and implementation commission to guide and advise all parties on the implementation of this reform. It will receive and adjudicate the plans submitted by the Roman Catholic school boards. It will advise the Government on required changes in the *Education Act* and, most important, it will conduct arbitrations that may well be required in some instances arising out of the sharing or transfer of schools and school locations, as well as other matters related to the transition.

This commission will be vital to the effective execution of this program and will be made up of representatives of the Ministry of Education, the education community at large, and the Roman Catholic community.

It is not the expectation of the Government, and I trust the separate school systems across Ontario will recognize this clearly, to expend large sums on new capital grants to accommodate demands for new secondary school facilities. Rather, the commission will ensure that our abundant existing capital stock is effectively employed to provide a full range of programs.

May I underline this point. As my predecessor, John Robarts, indicated, a duplication of facilities, caused by such a policy, would be impractical and indefensible. The first planning task is to make maximum use of existing school plants.

### Must Consider Teachers

Equally, we must consider the interests of our secondary school teachers. It has been a long established practice for elementary Roman Catholic school boards to have Roman Catholics constitute the large majority of the teachers they employ. In light of declining enrolments in our secondary system, it would be unacceptable and unfair to extend this practice to the new Roman Catholic secondary school system. Consequently, for a period of ten years, Roman Catholic school boards will employ non-Catholic teachers in their secondary schools and once hired, these teachers will be permitted to earn tenure, religion notwithstanding.

The planning and implementation commission will work with the Ontario Teachers' Federation, the Education Relations Commission, and others to assure that all teacher personnel matters are addressed in a fair and equitable manner.

Further, Mr. Speaker, while the essence of this new policy is to enrich the education resources available to Roman Catholic families in Ontario, it is my hope that the new Roman Catholic school boards will consider, in the most positive way, granting all students and their families universal access to publicly supported Roman Catholic schools, should such access be desired, limited only by the availability of space and the designation of assessment support.

I should also take this opportunity to state that it is still the wish of the Government, pending the response to questions now before the courts, to create within certain boards of education, panels of trustees, elected by Franco-Ontarian electors, who will have defined powers governing classes and schools where French is the language of instruction.

### Resolve an Historic Issue

Mr. Speaker, while my hope today is to resolve an historic issue in our traditional public education structure, what we have decided to do legitimately raises questions about the place of independent schools in our province. While rights are not at issue, the diversity and quality of our society is affected and served by these schools. The Government believes it is timely and useful to review the role of these schools in educating our children. Thus, a commission of inquiry will be established by the Ministry of Education:

- to document and comment on the role of independent schools;
- to assess whether public funding, and its attendant obligations, would be desirable and could be compatible with the nature of their independence; and
- to identify possible alternative forms of governance for these schools and make recommendations for changes deemed to be appropriate.

Finally, I would like to take this opportunity to address briefly our responsibility in funding education generally. The current formula for calculating General Legislative Grants has been in place since 1969. Also, there is concern about the costs of education and the ability of school boards to contain such costs.

Given these considerations, the Government intends to set up a commission to inquire into the financing of elementary and secondary education in Ontario. This examination is appropriate in order to ensure efficiency, economy, and effectiveness. It is also timely, as the province moves to extend the support for the Roman Catholic school system.

Both the commission on independent schools and the commission on the financing of elementary and secondary education will report in May 1985, and the responses to their recommendations will be concluded by January 1986.

Mr. Speaker, before I close, may I return for a moment to the basic decision upon which we seek the understanding and acceptance of our community at large — the extension of public funding for our secondary Roman Catholic school system.

Of course, there will be difficulties and clearly, as with all changes in the order of things, in securing new benefits, some advantages which may seem to be found in the status quo will be given up. However, I am convinced that our secure and vibrant school system is not threatened and the majority of our citizens who support our non-sectarian system will not be hurt.

As Sir John A. Macdonald explained the accommodations of his time, to his majority, over a century ago:

> "We do not want to stand on the extreme limits of our rights. We are ready to give and take. We can afford to be just; we can afford to be generous, because we are strong."

It is not my hope, nor my expectation, to settle all differences today — no one enjoys the last word in a democracy. However, as has been the case in nation-building and constitutional reform, it is my strong conviction that the path we have chosen is worthy of broad agreement and will serve our common interests.

It is time, Mr. Speaker, to put behind us any lingering doubts about our regard for one another and to re-dedicate ourselves to the bright hopes of our future.

## Appendix B

# ORDER IN COUNCIL ESTABLISHING THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO

# ORDER IN COUNCIL

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that

WHEREAS pursuant to section 2 of the Public Inquiries Act, whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter that he declares to be a matter of public concern, and the inquiry is not regulated by any special law, the Lieutenant Governor in Council may, by commission, appoint one or more persons to conduct the inquiry, and

WHEREAS the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning the role of private schools in the education of children in Ontario,

NOW, THEREFORE, Dr. Bernard Shapiro is appointed as sole Commissioner to inquire into and,

- document and comment upon the contribution of private schools to elementary and secondary education in Ontario;
- identify and comment upon possible alternative forms of governance of private schools that provide elementary or secondary education, or both, and make recommendations for changes in governance of such private schools in Ontario as the Commissioner considers appropriate;
- comment upon whether, with reasonable attendant obligations, public funding of private schools that provide elementary or secondary education, or both, would be desirable and compatible with the independent nature of such schools;
- identify and comment upon existing and possible relationships between private schools and publicly-supported school boards.

AND THEREFORE IT IS FURTHER ORDERED: That, in order to carry out his duties and functions, the Commissioner may require the Minister of Education to appoint an advisory committee, not exceeding fifteen persons, and to make provision for the costs associated with the advisory committee.

That, in addition to his powers under Part II of the Public Inquiries Act, the Commissioner is empowered to request submissions, orally or in writing, from persons in Canada, and to initiate or review existing research into the operation of private schools within and without Ontario.

That the Commissioner is empowered to require the assistance of the staff of the Ministry of Education for such purposes as he considers necessary.

That the Commissioner be known as the Commission on Private Schools in Ontario.

That the Commissioner shall report to the Minister of Education as soon as practicable but not later than May 31, 1985.

That the appointment of the Commissioner is terminated on the date of the submission of his final report.

Approved and Ordered by the Lieutenant Governor in Council on July 26, 1984.

O.C. 2049/84

### Appendix C

# COMMISSION ON PRIVATE SCHOOLS: ADVISORY COMMITTEE

| | |
|---|---|
| M.E. (Betty) Bone | Principal, Alma College |
| Dirk Brinkman | Chairman, the Board, Ontario Association of Christian Schools |
| Madeline I. Hardy | Director of Education, London Board of Education |
| Tom Harpur* | Author and former Religion Editor of The Toronto Star |
| Elaine Hopkins | Director, Federation of Independent Schools of Canada; Past Director, Ontario Association of Alternative and Independent Schools; and Past President, Ottawa Valley Association for Educational Alternatives |
| Frank N. Marrocco, Q.C. | Barrister and Solicitor with McFadden, Marrocco and Parker and Vice-Chairman, University of Toronto Academic Discipline Tribunal |
| Desmond Morton | Professor of History, Erindale College, University of Toronto |
| Penny Moss | Chairperson, Board of Education for the City of Toronto |
| Sylvia McPhee | Education Officer, Special Education Branch, Ministry of Education |
| Serge Plouffe | Past President, l'Association des enseignants franco-ontariens and a secondary school teacher with the Carleton Board of Education |
| Monsignor Kenneth Robitaille | Rector, St. Michael's Cathedral and Education Officer with the Ontario Catholic Conference of Bishops |
| Robert Routledge | Director of Operations Services, General Foods and President, Toronto Waldorf School |
| Lionel Schipper, Q.C. | President, Schipper Enterprises; a former member of the Senate of the University of Toronto; and an officer of the Toronto Jewish Congress |
| Angus C. Scott | National Director, the Duke of Edinburgh Awards and former Headmaster of Trinity College School |
| Fred Sweeney | Past President of the Ontario Teachers' Federation and an elementary school principal with the London and Middlesex County Roman Catholic Separate School Board |

*Mr. Tom Harpur resigned from the Advisory Committee after the first meeting held on September 7, 1984.

## Appendix D

# "LEGAL AND CONSTITUTIONAL ASPECTS OF PUBLIC FUNDING FOR PRIVATE SCHOOLS IN ONTARIO"

Neil Finkelstein*

Dated January 29, 1985

# CONTENTS

Introduction . . . . . 83

1. Laws Currently in Force Respecting Private Education in Canada . . . . . 84

2. Pre-Charter Constitutional Position With Respect to Jurisdiction Over Education . . . . . 86

3. What Effect, If Any, Has the Promulgation of the Canadian Charter of Rights and Freedoms Had With Respect to State Obligations vis-à-vis Private Schools? . . . . . 88

Conclusion . . . . . 96

Footnotes . . . . . 97

Appendix: Section 93, Province by Province . . . . . 104

# INTRODUCTION

On June 12th, 1984, Premier Davis of Ontario announced in the Legislature that public funding for the Roman Catholic separate school system would be extended past the current Grade 10 level to the end of high school.[1] The fact that Roman Catholic separate schools are publicly financed raises serious constitutional issues about whether the state is obligated to fund private schools in light of certain provisions of the *Canadian Charter of Rights and Freedoms.* With the promulgation of the *Charter* and the coming into force of the equality guarantee in s. 15 thereof on April 17, 1985, we must ask i) whether there is now a constitutional right to establish private schools in the first place; ii) if there is, the extent to which the state may regulate them; and iii) what funding obligations, if any, the state has with respect to private schools?

Before dealing with these questions, I shall review both the laws across Canada with respect to funding private schools, with particular emphasis on Ontario, and the scope of provincial legislative jurisdiction over education prior to the *Charter.*

# 1) LAWS CURRENTLY IN FORCE RESPECTING PRIVATE EDUCATION IN CANADA

Education is, with certain exceptions, a provincial matter pursuant to s. 93 of the *Constitution Act, 1867*. Laws respecting education thus vary from province to province.

Only Quebec and British Columbia have specific statutes respecting private schools. Pursuant to the *Private Education Act*[2], Quebec provides more state funding for private schools than any other jurisdiction in North America.[3] Once the Quebec Minister of Education declares an institution to be of "public interest", defined as an institution which "ensures services of quality and contributes to the advancement of education in Quebec"[4] according to specified criteria, it is eligible to receive grants equal to 80% of the average cost of educating each pupil[5]. Furthermore, the Minister may "recognize" other institutions which are not declared to be of public interest[6]. These institutions receive grants of 60% of the average cost per pupil.

In British Columbia, the *School Support (Independent) Act*[7] establishes a group classification system for private, or "independent", schools. The classifications are based upon the quality of the facilities and teachers[8] and require that the curriculum not include programs which foster doctrines of racial or ethnic superiority, religious intolerance or social change through violence[9]. The Act provides a formula for calculating grants for schools which fall within these classifications.

Alberta, Saskatchewan, Manitoba and Newfoundland have legislation which permits public funding of private schools, but their statutes are not specifically directed at private education. For example, in Alberta, the establishment and operation of private schools is governed by the *Department of Education Act*,[10] and the *School Act*[11]. These two statutes read together provide that a child may attend a private school which is approved by the Lieutenant Governor in Council. The approval is predicated upon various criteria set out in the regulations regarding both operation and curriculum. Under the "School Grants Regulations"[12], enacted pursuant to what is now s. 7 of the *Department of Education Act*, the Minister of Education approves grants to private schools. A similar framework for financing and regulating private schools exists in Manitoba, Saskatchewan and Newfoundland.[13] Both the availability and amount of funding in these provinces is considerably more restricted than in Quebec or British Columbia.

New Brunswick, Nova Scotia, Prince Edward Island and the Yukon Territory have no legislation governing the establishment of private schools. Each jurisdiction has compulsory school attendance requirements with exemptions made where, in the opinion of the designated authority, the child is receiving adequate instruction elsewhere. The exemptions indirectly allow for the operation of private schools.[14]

In Ontario, private schools are regulated by the government but they do not receive any direct financing. Government policy has been that, apart from the Roman Catholic separate schools, public funding should be restricted to public schools. This policy has been based upon a concern for the maintenance of a strong and viable public school system.[15] It should be noted that enabling legislation is in place to allow public funding for private schools should government policy change or the *Charter* require that such funding be extended. Section 10(3) of the *Education Act*[16] empowers the Minister of Education, with the approval of Cabinet, to promulgate regulations to apportion and distribute monies appropriated by the Legislature for educational purposes. As to separate schools, the Government currently provides funding up to and including Grade 10 and recently announced that financing would be extended to the end of high school. No regulations have as yet been promulgated to effect the extension.

Although the government does not directly finance private schools, it provides limited assistance in the form of books and services. The Ministry of Education provides free curriculum guidelines, resource materials, and access to its Book Purchase Plan, and charges only nominal fees for inspections and the use of the Student Guidance Information Service. In addition, nonprofit private schools are exempted from retail sales tax on school supplies and equipment.

To establish a private school in Ontario, a notice of intention must be filed with the Minister of Education pursuant to s. 15 of the *Education Act*. The Minister may require inspection and filing of statistical returns regarding staffing, enrolment and courses of study.[17] If the school wishes to grant Ontario diplomas, an inspector will visit the school,[18] inspect the programs in relation to Ministry of Education curriculum guidelines and, if he is satisfied with the level of instruction, authorize the school to grant diplomas. Most secondary schools in Ontario avail themselves of this Ministry service. Apart from the foregoing, the Minister of Education does not impose any academic requirements upon private schools and is concerned only that they comply with applicable fire, health and zoning regulations. While the Minister has the statutory power to inspect for academic reasons, since section 20(2) of the *Education Act* excuses a child from compulsory school attendance only if he is receiving "satisfactory instruction at home or elsewhere", historically only children studying at home have been monitored. This presumably reflects a view that private schools have provided a high quality of education. Private schools in Ontario are thus free to provide educational programs which cater to different religious beliefs and traditions. The major restriction upon a family's freedom of choice is that private schools do not receive government financing. Families which want alternative programs must pay both public or separate school taxes, depending upon their religion, and private school tuition fees.[19]

# 2) PRE-CHARTER CONSTITUTIONAL POSITION WITH RESPECT TO JURISDICTION OVER EDUCATION

Section 93 of the *Constitution Act, 1867*, the only pre-*Charter* constitutional provision specifically dealing with education, reads as follows:

> 93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:-
>
> (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools, which any Class of Persons have by Law in the Province at the Union:
>
> (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec.
>
> (3) Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.
>
> (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this section.

Pursuant to s. 93, education is a provincial matter subject to the exceptions with respect to minority Roman Catholic or Protestant denominational schools. The promulgation of the *Constitution Act, 1982* has not changed this allocation of legislative jurisdiction, although the *Charter* limits its ambit where guaranteed rights are involved.

Not surprisingly, the litigation with respect to s. 93 has been largely concerned with the exceptions concerning denominational schools. The conditions of applicability of these exceptions are well summarized by Chouinard J. in *A.G. Que.* v. *Lavigne*,[20]:

> "In order to claim the protection of (s. 93), the following conditions must of necessity be met:
>
> (a) there must be a right or privilege affecting a denominational school;
>
> (b) enjoyed by a particular class of persons;
>
> (c) by law;
>
> (d) in effect at the time of the Union;
>
> (e) and which is prejudicially affected."

Because only rights and privileges protected "by law at the Union" are constitutionally guaranteed, the core of rights protected in each province varies according to the different laws in force at Confederation.[21] "Laws" in this context means statute law, not *de facto* or customary obligations existing at Confederation.[22] It should be noted that the scope of these rights does not vary with developments in society, but rather is frozen in time.[23] In addition, only those rights which are determined by reference to religious belief are guaranteed by s. 93.[24] Even as regards those, the Legislature may regulate them as long as the regulation does not "prejudicially affect" their denominational character.[25] For example, a wholesale usurpation of management, even when done for the purpose of enforcing a non-denominational regulation, has been held to "prejudicially affect" separate school rights guaranteed by s. 93.[26]

Section 93 draws a demarcation line between legislation which "prejudicially affects" denominational schools, and is therefore *ultra vires*, and legislation which merely "affects" it. The distinction is sometimes difficult to apply in practice. A pair of Ontario cases considering the dismissal of separate school teachers who married outside the Roman Catholic Church[27] illustrates the difficulty of deciding whether a legislative dealing with this issue "affects" or "prejudicially affects" denominational rights in s. 93.

In *Re Essex County Roman Catholic Separate School Board and Porter*[28], a provincial board of reference set aside certain separate school teachers' dismissals for marrying outside the faith. The Ontario Court of Appeal held that the right in separate school trustees to dismiss for denominational cause was a right or privilege protected by statute at Confederation. The provincial Legislature, lacking jurisdiction itself, could not give jurisdiction to a board of reference to set aside the dismissals.

On the other hand, in *Essex County Roman Catholic Separate School Board* v. *Tremblay-*

*Webster*[29], provincial legislation permitted collective bargaining. One of the terms in a separate school collective agreement prohibited the discharge of teachers without just cause, in this case for marrying outside the faith. The school board argued on the basis of *Porter* that the Legislature could not empower the parties to negotiate out of protected rights any more than it could empower a board of reference to impose a ruling. The Court of Appeal held that while the statute "affected" protected rights, it did not do so prejudicially because entry into the collective agreement was voluntary. The discharged teacher could therefore use the grievance procedure.

I have difficulty with the Court of Appeal's reconciliation of *Porter* and *Tremblay-Webster.* The "class of persons" protected by s. 93 are individual families, not school trustees. The only real difference between *Porter* and *Tremblay-Webster* is that in *Porter* the Legislature restricted the denominational rights. In *Tremblay-Webster* it was done by the trustees who voluntarily entered into the collective agreement. However the parents of children attending these denominational schools may well not have voted for the particular trustees in office and yet, even as dissenters, their s. 93 rights are curtailed.[30] In my view, the distinction between the two cases should be reconsidered.

*Roman Catholic Separate School Trustees for Tiny* v. *The King*[31] is the *locus classicus* of the law on separate schools in Ontario at Confederation. The statutes in force in Ontario in 1867 were the *Common Schools Act, 1859*[32] and *An Act to Restore to Roman Catholics in Upper Canada Certain Rights in Respect to Separate Schools*[33] (the *Scott Act*). The separate school trustees in *Tiny* claimed, *inter alia,* the right to establish grades of education and curricula as were established in continuation schools, collegiate institutes and high schools, and the right to exemptions for their supporters in respect of rates for post-elementary schools not regulated by the trustees.

Viscount Haldane, speaking for the Privy Council, reviewed the development of the common and separate school systems in Ontario up to Confederation. Before 1867 there were three principal classes of schools, common schools, grammar schools, and separate schools. The common and separate schools were permitted to educate students up to the age of twenty-one but did not in fact do so. Continuation schools, collegiate institutions and high schools as such only developed after Confederation. The pre-Confederation statutory law showed that the Legislature wanted to bring the common and separate schools under the same regulatory umbrella. The *Scott Act* in 1863 provided that separate school teachers were subject to the same examinations and qualifications as common school teachers, and the separate schools were subject to inspections by the Chief Superintendent of Education and to detailed regulation by the Council of Public Instruction for Upper Canada. Also, the Chief Superintendent and the Council for Public Instruction exercised great discretion over the grades of instruction in separate schools, the stages at which instruction should be given and the funding allocations.

Viscount Haldane held that, given the discretion exercised by the Council at Confederation over grading and levels of instruction, there was no constitutionally guaranteed right in separate school trustees to offer secondary level education. He said:[34]

> "(Their Lordships) are not at one with (the Chief Justice of Canada) in thinking that separate school trustees could give secondary education in their schools otherwise than by permission, express or implied, of the Council of Public Instruction. The separate school was only a special form of common school, and the Council could in the case of each determine the courses to be pursued and the extent of the education to be imparted."

The importance of *Tiny* cannot be overstated for the purposes of this paper. It establishes the core area of the s. 93(1) constitutional guarantee to Roman Catholic separate schools with regard to public funding. It follows from the Privy Council's holding that, since separate school trustees could offer elementary but not secondary level education as a matter of right, there was no concomitant state obligation to fund separate schools beyond the elementary school level. Accordingly, government funding at the current junior high school level and the contemplated high school level is a matter of government policy rather than constitutional right.

# 3) WHAT EFFECT, IF ANY, HAS THE PROMULGATION OF THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS* HAD WITH RESPECT TO STATE OBLIGATIONS *VIS-A-VIS PRIVATE SCHOOLS?*

I shall now address the issues of i) whether there is a constitutional right to establish private schools; ii) if there is, the extent to which they may be regulated by the state; and iii) whether the state has any funding obligations to these schools.

### **i) constitutional right to establish private schools**

Any constitutional right to establish private parochial or non-parochial schools will be found in s. 2 or 7 of the *Charter*. These provisions read in relevant part as follows:

> "s. 2. Everyone has the following fundamental freedoms:
>
> (a) freedom of conscience and religion;...
>
> s. 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice".

Section 7 is wider than s. 2 because, if the right to establish private schools is comprehended within its "liberty" guarantee, it encompasses both parochial and non-parochial schools. It is unclear at this stage whether s. 7 contains a substantive guarantee of life, liberty and security of the person or whether it is limited to procedural safeguards. The question is currently before the Supreme Court of Canada in *Reference re Section 94(2) of the Motor Vehicle Act (B.C.)*, a case which is on appeal from the British Columbia Court of Appeal.[35] In *Reference re Section 94(2)*, the impugned statutory provision created an absolute liability offence of driving while one's licence was suspended, punishable by an automatic minimum seven day jail term. The British Columbia Court of Appeal struck down the provision, holding that "fundamental justice" in s. 7 requires the courts to examine the substantive content of legislation.[36]

If the British Columbia Court of Appeal is correct, as I believe it is, the next question is whether the liberty clause in s. 7 guarantees the right to establish private schools. Modern human rights documents often contain provisions guaranteeing to parents the right to ensure the religious and moral education of their children.[37] These documents are based on the value in a democratic society of protecting pluralism in thought and belief, coupled with the recognition that the family is the natural place for the inculcation of these matters. In Canada, this right is recognized by provincial statutes which provide for either alternate instruction or the right to withdraw the child from religious instruction to which the parent objects.[38]

In *Donald* v. *Hamilton Board of Education*[39], a pre-*Charter* case, a Jehovah's Witness refused on religious grounds to allow his children to salute the flag and sing the national anthem in school. The children were expelled, and he sought an order for *mandamus* to have them readmitted. The education statute in force at the time contained a religious exemption. For most people, saluting the flag and singing the national anthem are displays of patriotism without religious significance. However, the Court of Appeal took a wide view of religion, accepting the complainant's contention of religious faith at face value, and granted sufficient latitude to his divergent beliefs. Gillanders J.A. quoted with approval the following passage from *State of New York* v. *Sandstrom*:[40]

> "There are many acts which are not acts of worship and which for most men have no religious significance and are entirely unrelated to the practice of any religious principle or tenet but which may involve a violation of an obligation which other men may think is imposed on them by divine command or religious authority".

In *Chabot* v. *School Commissioners of Lamorandiere*,[41] another pre-*Charter* case and the leading Canadian decision to date on the right of parents to educate their children, Jehovah's Witness children refused to participate in religious exercises at a Catholic public school and were accordingly expelled. The Quebec Court of Appeal granted an order for *mandamus* that the children be readmitted on the basis that, as a matter of statutory interpretation of the relevant legislation, the school could not make participation in Catholic religious courses a condition of attendance. *Chabot* is particularly noteworthy for some of its *obiter* comments about a "natural law" right of parents to control the religious instruction of their children. Pratte J. stated:[42]

> "It appears useful to recall that the right to give one's children the religious education of one's choice, like freedom of conscience, is anterior to positive law".

As support for this proposition he cited *Re Meades*[43] where it is stated:

> "The authority of a father to guide and govern the education of his child is a very sacred thing, bestowed by the Almighty, and to be sustained to the uttermost by human law. It is not to be abrogated or abridged, without the most coercive reason".

Undoubtedly, the strongest statement on natural law was made by Casey J.:[44]

> "On this point there can be no doubt for if these rights find their source in positive law they can be taken away. But if, as they do, they find their existence in the very nature of man, then they cannot be taken away and they must prevail should they conflict with the provisions of positive law. Consequently, if the regulations under which, rightly or wrongly, this school is being operated make it mandatory that non-Catholic pupils submit to the religious instructions and practices enacted by the Catholic Committee, then these regulations are *ultra vires* the Committee, and invalid".

Taschereau J., in translation, stated:[45]

> "It would also be contrary to natural law as well as to the most elementary principles of our democratic institutions that a father could not exercise the right or fulfil his obligation to instruct his children without renouncing his religious faith".

Owen J. stated:[46]

> "Freedom of worship includes the right of a parent to have his children follow the religious training of the parent's choice and also the right of not being forced to have his children subjected to religious training of another faith".

I do not cite the above passages for the proposition that "natural law" overrides positive law in Canada. The generally accepted view is quite the contrary.[47] However, in my view the statements in *Chabot* go to define the constitutional values which underlie the liberty clause in s. 7 and the freedom of religion guarantee in s. 2 of the *Charter of Rights.*[48]

American jurisprudence based upon the liberty clause in the Fourteenth Amendment is also instructive. In *Pierce* v. *Society of Sisters,*[49] Oregon enacted a compulsory public school attendance law. It was challenged by a parochial school and a military academy as an interference with parental liberty to direct their children's education. Justice McReynolds, speaking for the U.S. Supreme Court, stated:[50]

> "We think it entirely plain that the act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of this State to standardize its children by forcing them to accept instruction from public teachers only. . .

The significance of having a military academy as one of the party plaintiffs cannot be overstated. If a parochial school was the sole plaintiff, *Pierce* could be explained as a religion case. Given the presence of the military academy, it establishes that there is a constitutional right to educate one's children outside the public school system, provided the education is consistent with legitimate state interests.

Another source of law which is likely to be persuasive is international law. Numerous international conventions recognize a liberty interest in parents to direct their children's education and, by implication, a concomitant right to establish private schools.[51] While international treaties have no direct application in Canada until implemented by competent legislation,[52] they are evidence of what is done in other free and democratic societies. International law has been considered in both pre-*Charter*[53] and *Charter* cases,[54] and is thereby useful at least indirectly on questions of Canadian law.

In my view, given the consistency among the Canadian, American and international law on the point, the liberty interest in s. 7 of the *Charter* comprehends the right of parents to educate their children and establish private schools.[55]

If I am wrong, perhaps because the Supreme Court of Canada will hold that s. 7 is purely procedural, we must consider whether there is a constitutional right pursuant to s. 2 of the *Charter*, which is unquestionably substantive in nature, to establish at least parochial schools. I believe that there is. In addition to the above sources, which apply equally to the freedom of religion guarantee in s. 2 as to the liberty clause in s. 7, the American case of *Wisconsin* v. *Yoder*[56] indicates that particular deference is given to a parent's right to educate his child in religious matters. In *Yoder*, Amish parents withdrew their children from school after Grade 8 and were convicted of violating Wisconsin's compulsory school attendance laws. They argued that they should be exempted from the law's application because separation from worldly influences and a lifestyle connected with the land were central tenets of their religious faith. The Court agreed and exempted them. It held that the state had a legitimate interest in universal education, but that interest had to be balanced against fundamental rights such as religion.[57]

### ii) the extent to which the state may regulate private or parochial schools

The constitutional right of parents to establish private schools does not denude the state of the right to regulate such schools. The state has a legitimate, and indeed compelling, interest in the universal education of its citizens. I would suggest that this interest is twofold.[58] First, a democracy such as ours operates best where there is an educated citizenry which is capable of making informed choices. This rationale gains nourishment in Canada from Chief Justice Duff's famous passage in the *Alberta Press Case:*[59]

> "... The [Constitution Act, 1867] contemplates a Parliament working under the influence of public opinion and public discussion. There can be no controversy that such institutions derive their efficacy from free public discussion of affairs, from criticism and answer and counter-criticism, from attack upon policy and administrative and defence and counter-attack; from the freest and fullest analysis and examination from every point of view of political proposals...
>
> ... It is axiomatic that the practice of this right of free public discussion of public affairs, notwithstanding its incidental mischiefs, is the breath of life for parliamentary institutions."

It follows that, if Canadian democracy is founded upon free public discussion and dissemination of ideas, the corollary is that the citizenry should be educated and informed, capable of understanding the issues of the day. Similarly if such discussion is the "breath of life of parliamentary institutions", those institutions, in this case the Legislature of Ontario, have a legitimate interest and indeed a high duty to provide universal education provided that adequate allowances are made for parents to make alternative choices. The state's second legitimate interest in universal education is to prepare its children to function as adults without being an excessive burden on the state.[60]

In furtherance of these objectives, the state may inspect and supervise schools,[61] enact compulsory attendance laws provided sufficient religious exemptions are granted,[62] require teachers to be of good moral character, require that essential studies are properly taught and ensure that its health and safety rules are followed.[63] The restriction is that the regulation must be flexible enough to accommodate alternative beliefs and values.

Two American cases illustrate the balancing which must be done to ensure that full rein is given to the expression of alternative family values. In *Meyer* v. *Nebraska*,[63] a Nebraska law forbade the teaching of modern languages other than English in any school in the state. A parochial school instructor was convicted of teaching German. In support of the law, the state argued that it had a legitimate interest in promoting "civic development by inhibiting training and education of the immature in foreign tongues and ideals before they could learn English and acquire American ideals"[65]. The Supreme Court accepted the legitimacy of the goal in the abstract, but held that the law went too far in light of the countervailing individual interest involved.

On the other hand, in *Prince* v. *Massachusetts*[66] a state child labour law prohibited children under twelve from distributing literature on the street. A Jehovah's Witness challenged the law as violative of his free exercise of religion. The U.S. Supreme Court upheld the law as consistent with a compelling state interest. The Court said:[67]

> "Neither rights of religion or parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as parens patriae may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labour and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. Thus, he cannot claim freedom from compulsory vaccination for the child more than for himself on religious grounds. The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death. ... The catalogue need not be lengthened. It is sufficient to show what indeed appellant hardly disputes, that the state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and that this includes, to some extent, matters of conscience and religious conviction."

Thus freedom of choice does not include the right to jeopardize the health and safety of the child or the community.

In the international arena, the European Court of Human Rights has considered the degree to which states may regulate schools. Essentially, the state is entitled to pursue its legitimate interests, such as the protection of health and safety and ensuring that parental choices will not leave children unable to take care of themselves as adults. However, as held in *Kjeldsen et al.*,[68] the state cannot pursue an "aim of indoctrination". This indoctrination test was affirmed by the Court in *Forty Mothers* v. *Sweden*.[69]

The basic law in other jurisdictions, and I believe in Canada as well pursuant to s. 2 and 7 of the *Charter*, is that the state may regulate the operation of private schools. However, its power does not extend to permit the standardization of children.

### iii) whether the state must fund private schools

As a preliminary matter, it is useful to ask whether there is a constitutionally guaranteed right to at least a government financed public, as opposed to a private, education in Canada. In my view, such a right is found in the liberty clause of s. 7 of the *Charter*. It may also exist in s. 36, which provides, *inter alia*, that Parliament and the provincial Legislatures are committed to "providing essential public services of reasonable quality to all Canadians". In today's socio-economic and technicological environment, I would argue that education is an "essential public service" contemplated by s. 36. Regard may also be had to international law, which clearly recognizes a right to a public education.[70]

The more difficult question is whether there is also a constitutionally guaranteed right to public funding for private schools.

In my opinion, neither s. 2 nor s. 7 of the *Charter* standing alone, unconnected with the equality guarantee in s. 15, comprehends a freestanding right to public funding for private schools. As we shall see shortly, there is no such right in other jurisdictions either. Furthermore, s. 36 of the *Charter* refers to a commitment to provide "essential *public* services". With respect to the freedom of religion guarantee in s. 2 of the *Charter*, the question of the extent of the state's positive obligations, if any, is more difficult than with the liberty clause in s. 7. Clearly the state must abstain from impeding or infringing upon a person's free exercise of religion.[71] Furthermore, under the *Charter* the state may as a matter of policy give support to religion, albeit within narrow limits.[72] The preamble to the *Charter* specifically provides that "Canada is founded upon principles that recognize the supremacy of God . . .". Section 27 provides that the *Charter* should be interpreted consistently with "the preservation and enhancement of the multicultural heritage of Canadians". Section 29 of the *Charter* preserves the denominational and separate school rights guaranteed by s. 93 of the *Constitution Act, 1867*.

The issue of whether it is permissible in Canada to adopt a public policy of state advancement of religion and education has been addressed by the Federal Court of Canada in *McBurney* v. *The Queen*:[73]

> "It is apparent, then, that both the advancement of education and the advancement of religion are firmly and favourably rooted in the public policy of our law. Moreover, it is not stretching matters to say that even in the modern, secular age the advancement of religion is rooted in our law and in our Constitution.
>
> That policy is readily discernable in the declaratory preambles to the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms which both affirm that Canada 'is founded upon principles that' acknowledge and recognize 'the supremacy of God', and 'the rule of law'. That is not to say that our country is even remotely similar to a theocracy such as have been established in past ages and in the present day in some countries. Far from it. We do not have any established church or State religion. Those Canadians who profess atheism, agnosticism or the philosophy of secularism are just as secure in their civil rights and freedoms as are those who profess religion. So it is that while Canada may aptly be characterized as a secular State, yet being declared by both Parliament and the Constitution to be founded upon principles which recognize 'the supremacy of God', it cannot be said that our public policy is entirely neutral in terms of 'the advancement of religion'. (On the other hand it seems now more than ever before to turn away from any purported 'charity' in the service of atheism).
>
> The legal and constitutional recognition of God necessarily imports and involves a polity which leans in favour of belief, or faith — that is, the profession of religion among our people. Just as that same polity (it must be emphasized) also secures the rights and freedoms of those who profess no religion, it concurrently turns away from those professions of religion which range all the way from practices inimical to the security of our people and our constitution to practices which are of no benefit to the public. This is another perception of the policy of the law and the Constitution."

There is thus ample support for the proposition that the state is not prohibited from providing support to religion *as a policy matter*. However there is nothing in s. 2 which *obligates* the state to provide such funding, and in my view no such obligation can be implied into s. 2.

The same is not true of the equality guarantee in s. 15(1) of the *Charter* which reads as follows:

> 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 1 of the *Charter* is also relevant:

> 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Several points about s. 15(1) should be noted. First, while it contains a specific enumeration of prohibited grounds of discrimination, this list is not exhaustive. On the contrary, s. 15(1) is a blanket anti-discrimination provision and sets out the list only for greater particularity.

Second, the provision extends to every individual "the right to the equal protection and equal benefit of the law". This distinguishes s. 15 of the *Charter* from the equality guarantee in s. 1(b) of the statutory federal *Bill of Rights*.[74] In

*R.* v. *Drybones,*[75] the leading case under the *Bill of Rights*, section 94 of the *Indian Act*[76] made it an offence for an Indian to be intoxicated off a reserve either in public or in private. The *Northwest Territories Liquor Ordinance,*[77] a law of general application, prohibited any person from being intoxicated in a public place. Thus an Indian could be guilty of an offence off a reserve in places (i.e. private places) where another citizen would not be. In declaring the law inoperative, Ritchie J., speaking for a majority of the Supreme Court of Canada, said:[78]

> "...without attempting any exhaustive definition of 'equality before the law' I think that section 1(b) means at least that *no individual or group of individuals is to be treated more harshly* than another under that law...." (emphasis added)

Section 15(1) of the *Charter* is not predicated upon a harshness test. On the contrary, it specifically provides that the equality guarantee can be triggered where the state favours one group of people over another by giving it additional benefits.

State funding of Roman Catholic separate schools but not private schools is therefore *prima facie* discriminatory within the meaning of s. 15, because the former receive a benefit not shared by the latter. This is so regardless of the form which the public financing takes. If the government decides to finance the separate schools out of general revenues, the discrimination is obvious because no other groups receive similar funding. Alternatively where, as now, the schools are financed in whole or in part out of rates paid by separate school supporters who receive an exemption from public school taxes, it is equally discriminatory because non-Roman Catholics who wish to educate their children outside the public school system are not accorded a similar exemption. They must pay both public school taxes and private school tuition. The next issue is whether the discrimination is saved by the limitation provision in s. 1 of the *Charter.*[79]

Pursuant to s. 1, a limitation on a *Charter* right is valid provided that, in context, it is i) reasonable, ii) prescribed by law, and iii) demonstrably justified in a free and democratic society. The burden of proof is on the party seeking to uphold the differentiation. The operation of s. 1 has been described by the Ontario Court of Appeal in *Re Southam Inc. and The Queen (No. 1):*[80]

> "...Section 2 states that everyone has the named fundamental freedoms. Section 1 guarantees those rights and, although the rights are not absolute or unrestricted, makes it clear that if there is a limit imposed on these fundamental rights by law, the limits must be reasonable and demonstrably justified in a free and democratic society. The wording imposes a positive obligation on those seeking to uphold the limit or limits to establish to the satisfaction of the court by evidence, by the terms and purpose of the limiting law, its economic, social and political background, and, if felt helpful, by references to comparable legislation of other acknowledged free and democratic societies, and such limit or limits are reasonable and demonstrably justified in a free and democratic society..."

and:

> "In determining the reasonableness of the limit in each particular case, the court must examine objectively its argued rational basis in light of what the court understands to be reasonable in a free and democratic society. Further, there is, it appears to me, a significant burden on the proponent of the limit or limits to demonstrate their justification to the satisfaction of the court..."[81]

In my opinion, it is reasonable within the meaning of section 1 for the reasons which follow to exclude non-parochial private schools from public funding. However it is *not* reasonable to finance Roman Catholic separate schools but not other parochial schools.[82]

As to parochial schools, it is clear that a benefit is being given to Roman Catholics which is being denied to other religious denominations. The differentiation is particularly objectionable with respect to junior high school and high school financing. Pursuant to the Privy Council's holding in *Roman Catholic Separate School Trustees for Tiny* v. *The King,*[83] the government is not required to finance secondary level separate school education. It is therefore doing so as a matter of policy rather than constitutional obligation. In my view, this discrimination cannot be saved by s. 1 of the *Charter*. If the equality guarantee stands for anything, it stands for the proposition that the government cannot, as a matter of state policy and being under no obligation to do so, favour one group over another strictly on the basis of religion. The government must either terminate the funding of Roman Catholic separate secondary schools or, in the alternative, extend it to other parochial schools.

The issue is more difficult with regard to separate schools at the elementary school level. The primary argument in favour of the continued differentiation between Roman Catholic and other parochial elementary schools is that s. 93(1) of the *Constitution Act, 1867* requires that the former be funded. This guarantee was carried forward by s. 29 of the *Charter* and, it can be argued, the distinction was thereby preserved even within the *Charter's* framework.

In my view, this argument is misconceived. Section 93 explains why the state must fund Roman Catholic separate elementary schools. It does not explain why it is reasonable not to give other denominational schools the same benefits, particularly since such extended funding would not, in the words of s. 29 of the *Charter*, "abrogate or derogate from" separate school rights. It would not affect those rights one way or another. Clearly s. 93 does not *restrict* the application of the *Charter*. On the contrary, the two should be interpreted in such a way as to avoid conflict whenever possible. Section 15 of the *Charter* and s. 93 can be made compatible by extending equal financing to other parochial schools.

In *Reference re Education Act*,[84] the Ontario Court of Appeal had to decide whether full implementation of the minority language rights in s. 23 of the *Charter* would unconstitutionally interfere with the separate school system. The Court said both s. 23 and 93 could apply, stating:[85]

> "As we view the Charter, it grants supporters of denominational schools a right in addition to those granted them in 1867 by s. 93. They are now entitled, by virtue of s. 23, to have their children receive denominational education in either the minority or majority language. If, because of s. 93, s. 23 were treated as inapplicable to denominational schools, an anomalous and, indeed, patently unacceptable result would follow. French speaking members of the Roman Catholic Community would then be required to forego their denominational education rights protected by s. 93 in order to avail themselves of the new minority language educational rights conferred on them by s. 23 of the Charter. We see no conflict between the two provisions compelling that result. In our opinion, s. 23 and s. 93 are compatible and capable of living and operating in harmony with one another."

Admittedly the Court of Appeal's decision in *Reference re Education Act* was made easier by the *Mackell*[86] case, which held that language was not a matter of denominational concern. However, the case is still good authority for the proposition that *Charter* rights will be given full flower where possible as long as they are not inconsistent with s. 93.

Whatever the situation in 1867, the Roman Catholic minority in Ontario needs less protection today than other religious minorities. Their roots are longer and better established, and they are numerically superior. If the purpose of the equality guarantee is to guard against majoritarian abuse, weaker minorities should be able to claim at least as much support as Roman Catholics. Section 93 was intended to prevent discrimination, not foster it. It would be very odd indeed if s. 93 could be used as the fulcrum to justify religion-based discriminatory funding under the *Charter*. The better view is that s. 93 and s. 15 of the *Charter* should be read together to oblige the state to fund all denominational schools equally. Additional support for this view can be found in s. 27 of the *Charter* which requires the *Charter* to be interpreted consistently with the multicultural heritage of Canadians.

It may be that some religious groups are so small in particular areas that a separate, publicly financed school would be prohibitively expensive. In such cases, it would undoubtedly be reasonable within the meaning of s. 1 to impose a restriction on funding limiting it to situations "where numbers warrant" similar to that in s. 23 with respect to minority language rights.

In my view, the situation regarding s. 1 of the *Charter* is different for non-parochial schools.[87] The government's rationale for excluding private schools from state funding is a concern for maintaining a strong and viable public school system. I believe that a court would find that this rationale is reasonable within the meaning of s. 1 provided that the government can prove that funding non-parochial private schools would endanger the public school system.

The counter-argument is that this rationale applies equally to parochial schools, and it is thereby unreasonable to differentiate between parochial and non-parochial schools. A parent should, in view of the freedom of religion and conscience guarantee in s. 2 of the *Charter*, be equally free of economic constraint to send his children to non-parochial private schools as to parochial ones. Also, one could argue that freedom from discrimination on religious grounds in s. 15 of the *Charter* means not only that the state may not favour one religion over another, but that religion is not a legitimate policy consideration at all under the *Charter*. The government is thus not entitled to differentiate between parochial and non-parochial schools.

The answer to these arguments is that, as set out in the excerpt from the *McBurney* case which has been previously quoted, our public law cannot be said to be entirely neutral with respect to the advancement of religion. The legal and constitutional recognition of God in preambles to both the federal *Bill of Rights* and the *Charter* imports a policy which leans in favour of the profession of religion. Section 2 of the *Charter* guarantees freedom of religion, and language preventing a state establishment of religion similar to that in the First Amendment to the *U.S. Constitution* is notably absent. Finally other provisions, such as s. 27 and 29 of the *Charter* and s. 93 of the *Constitution Act, 1867*, militate against a notion of state neutrality. That is not to say that Canada may have an established religion or state theological line. I do not believe that it can. But it is entitled to recognize and advance religion in certain types of situations.

It is therefore my opinion that, while the Ontario Legislature is obliged to extend equal treatment to different religions, it is entitled to differentiate between religious and non-religious schools. If I am wrong in this for the reasons set out above, my comments with respect to the government's obligation to finance parochial schools apply equally to non-parochial schools.

As to the legal prescription element in s. 1, it is clear that the government's financing of public and Roman Catholic separate schools to the exclusion of private schools is prescribed by law. Section 10(3) of the Ontario *Education Act* permits the Minister of Education, with the approval of Cabinet, to make regulations for the distribution of public funds for education. The section permits but does not require the financing of private schools. The Minister therefore has jurisdiction as a matter of statutory law to adopt the educational financing system currently in force.

The final element in s. 1 is whether Ontario's refusal to finance private non-parochial schools can be justified by reference to what is done in a free and democratic society. The evidence in Canada is inconclusive because the degree of private school financing varies by province from heavy funding in Quebec to none at all in Ontario. In other jurisdictions, the decision about which schools to finance is one of government policy rather than constitutional obligation. The European Court of Human Rights' decision in the *Belgium Linguistics Case*[88] is a good example. Article 2 of the *First Protocol to the European Convention on Human Rights* states:

> "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

Article 14 of the Convention states:

> "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with the national minority, property, birth or other status".

In Belgium, the state subsidizes virtually all private schools.[89] The Belgian Constitution provides that the use of either of the two official languages, French and Flemish, is optional. The Flemish parts of the country passed regulations limiting the use of French on penalty of loss of state funding. French parents argued on the basis of Articles 2 and 14 that once a state undertakes to provide or subsidize a particular type of education, it must do so without discrimination. The European Court rejected the argument in these terms:[90]

> "The negative formulation indicates... that the Contracting Parties do not recognize such a right to education as would require them to establish at their own expense, or to subsidize, education of any particular type or of any particular level. ...There neither was, nor is now, therefore, any question of requiring each State to establish [a general and official educational] system, but merely of guaranteeing to persons subject to the jurisdiction of the Contracting Parties the right, in principle, to avail themselves of the means of instruction existing at a given time."

The European Human Rights Commission in *Forty Mothers* v. *Sweden* took the same position:[91]

> "Article 2 of the Protocol does not go as far as to oblige the High Contracting Parties to subsidize any private education or teaching".

These cases indicate that state subsidization of private schools under the European Convention is a matter of government policy rather than constitutional imperative.

The same is true in the United States, except that the Establishment Clause in the First Amendment prohibits state funding of parochial schools. Otherwise, state governments have discretion to decide as a matter of policy which schools should be publicly funded and how much those schools should receive.

In *San Antonio Independent School District* v. *Rodriguez*,[92] it was argued before the U.S. Supreme Court that the Equal Protection Clause in the Fourteenth Amendment guaranteed equal funding at least as among public schools. In *Rodriguez*, the Texas public school system was financed through local property taxes, with the result that the funds available in any particular district depended upon the size of its tax base. Public schools in poorer areas accordingly received less financing that those in wealthy neighbourhoods. Powell J., speaking for the Court, held that education was not a fundamental right.[93] Accordingly there only had to be a "rational" relationship between the funding system and the way education was provided. The Court found that such a rational relationship existed as long as the system could "provide each child with an opportunity to acquire the basic minimal skills necessary for the enjoyment of the rights of speech and of full participation in the political process".[94] The Court found that the challenged funding system met this test.[95]

In *Norwood* v. *Harrison*,[96] the U.S. Supreme Court struck down a textbook lending program which included private schools with racially discriminatory policies in its ambit. Supporters of these schools argued that students in attendance would be denied the equal protection of the law if their schools were denied access to the program. In the course of his reasons, Chief Justice Burger, speaking for the Court, responded to this argument by saying that the Equal Protection Clause did not guarantee private schools the right to receive public funding:[97]

> "It has never been held that if private schools are not given some share of public funds allocated for education that such schools are isolated into a classification

> violative of the Equal Protection Clause. It is one thing to say that a State may not prohibit the maintenance of private schools and quite another to say that such schools must, as a matter of equal protection, receive state aid".

To summarize the American position with respect to funding non-denominational education, the state has an obligation to provide a minimum level of public education to its residents once it has commenced providing education in the first place. However once it has achieved that minimum, its distribution of funds for public or private schools is, within the limits of the Establishment Clause, a matter of government policy rather than constitutional right.[98]

The result of this survey of other Canadian provinces, the law in international jurisdictions and in the United States is that public funding of non-parochial private schools is largely a matter of public policy. Unequal financing, at least within limits, does not implicate the respective constitutional instruments. My conclusion is therefore that Ontario's refusal to fund non-parochial private schools is reasonable, assuming the government can lead adequate evidence to show that its rationale of public school protection is sound, prescribed by law and demonstrably justified in a free and democratic society. Thus, in my opinion, its policy of differentiation, excluding that with respect to parochial schools, is constitutional.

# CONCLUSION

**In my opinion, the coming into force of the equality guarantee in s. 15(1) of the *Charter of Rights* on April 17, 1985 will, due to the current legal and constitutional context of education in Ontario, require a radical alteration of the government's financing arrangements for schools in the province. My major conclusions may be summarized as follows:**

1) Section 93(1) of the *Constitution Act, 1867*, as interpreted by *Roman Catholic Separate School Trustees for Tiny* v. *The King*,[99] guarantees the right of Roman Catholic separate school trustees to offer elementary level education, together with a right to public financing thereof;

2) Pursuant to *Tiny*, separate school trustees do not have a constitutional right to provide post-elementary school education. Accordingly, the government's current financing of separate school junior high school is being done as a matter of policy rather than constitutional obligation;

3) The financing of Roman Catholic separate schools to the exclusion of private schools generally is a *prima facie* violation of s. 15(1) of the *Canadian Charter of Rights and Freedoms*, which comes into force on April 17, 1985. The issue is whether the differentiation is saved by s. 1 of the *Charter*;

4) In my view, the constitutional implications of the funding of Roman Catholic separate schools is different for parochial and non-parochial schools:

a) *as to parochial schools*
The funding of Roman Catholic separate schools but not other parochial schools is based exclusively on religion, a specifically enumerated head of discrimination in s. 15(1) of the *Charter*, and cannot be saved by s. 1 as being reasonable in the circumstances:
(i) The government's financing of separate school junior high schools and its proposal to finance separate school high schools but not other parochial schools is strictly a matter of policy rather than constitutional obligation. In my view, the government is not constitutionally entitled to make such a differentiation in the absence of compelling reasons which are not present in this case. The government's remedy is therefore to either terminate funding for post-elementary separate school education or extend it to other parochial schools equally;
(ii) The government's financing of separate school elementary schools is constitutionally required by s. 93(1) of the *Constitution Act, 1867*, and this requirement is carried forward by s. 29 of the *Charter*. This only explains why Roman Catholic schools must be funded, but it does not explain why it is reasonable within the meaning of s. 1 of the *Charter* to exclude other parochial schools from equal funding. Section 93 of the *Constitution Act, 1867* and s. 15 of the *Charter* may be made compatible by financing all parochial schools equally, and in my view this must be done. It is unreasonable to use s. 93, a provision designed to protect the Roman Catholic minority in Ontario from majoritarian abuse, as the constitutional pivot to support discrimination against other religious minorities.

b) *as to non-parochial private schools*
The law in other jurisdictions is that the government may support private schools but is not required to do so. Subject to the qualifications expressed in this paper that it might be impermissible to differentiate between parochial and non-parochial schools, I believe that the government will not be required by the *Charter* to finance non-parochial schools. The differentiation is predicated on a concern for the maintenance of a strong and viable public school system. Assuming the government can show that funding non-parochial private schools would pose a danger to the system, the government may withhold such financing.

# FOOTNOTES

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1. On July 30, 1984, the Minister of Education, Dr. Bette Stephenson, announced the appointment of two royal commissions to study the planning and implementation of the expansion of the separate school system and the financing of elementary and secondary education in Ontario. Three days later she announced that Dr. Bernard Shapiro had been appointed as a one-man royal commission to inquire into the role and status of private schools.

2. S.Q. 1968, c. 67

3. Bezeau, "The Public Finance of Private Education in the Province of Quebec", Canadian Journal of Education 4: 2 (1979), 23 at 38

4. *supra*, s. 9, footnote 2

5. *Ibid* s. 14

6. *Ibid* s. 14

7. R.S.B.C. 1979, c. 378

8. *Ibid* s. 5 and 6

9. *Ibid* s. 5

10. R.S.A. 1980, c. D-17

11. R.S.A. 1980, c. S-3

12. Alta. Regs. 171/76 as amended by Alta. Regs. 153/79 and 279/80

13. In Manitoba, see the *Education Administration Act*, S.M. 1980, c. 31 and the *Public Schools Act*, S.M. 1980, c. 33; in Saskatchewan, see the *Education Act*, S.S. 1978, c. E-0.1; and in Newfoundland, see the *Schools Act*, R.S.N. 1970, c. 346

14. In New Brunswick, see the *Schools Act*, N.S.N.B. 1973, c. s-5 s. 59(2); in Nova Scotia, see the *Education Act*, R.S.N.S. 1967, c. 81, s. 81; in Prince Edward Island, see the *School Act*, R.S.P.E.I. 1974, c. S-2; and in the Yukon, see the *School Ordinance*, O.Y.T. 1978, c. S-3, s. 29

15. Presumably on the theory that public funding for private schools would inevitably lead to an exodus of public school students. I suspect that this rationale is highly speculative. The major laboratory for the assessment of this reasoning is currently Quebec given its high level of private school funding, and it does not appear that the Quebec public school system is in any imminent danger of closing down.

16. R.S.O. 1980, c. 129

17. *Ibid*, s. 15(5) and (6)

18. *Ibid*, s. 15(7)

19. For the past several years, the structure of private education in Ontario has been changing with new schools being established at an accelerating rate. As I understand it, the major factors in this pattern are the following:

(i) Increasing numbers of Roman Catholic parents have been sending their children to private Catholic schools for grades 11, 12 and 13 upon graduation from the publicly funded separate school systems at grade 10. This accounts for the majority of the secondary level growth over the last five years.

(ii) The initiation of private denominational elementary schools, which account for most of the elementary school growth.

(iii) The establishment of the so called visa schools providing grades 11, 12 and 13 to foreign students.

(iv) The establishment of small special schools designed to serve children with special needs.

(v) The practice of enrolling children below school age.

20. Unreported S.C.C. rendered December 20, 1984 at p. 6.

21. See Appendix hereto for a review of the law respecting s. 93 on a province by province basis.

22. See *Ottawa Separate School Trustees* v. *Mackell* [1917] A.C. 62 at 69. Also, as stated by the Ontario Court of Appeal in reference *Re Education Act of Ontario and Minority Language Education Rights* (1984) 47 O.R. (2d) 1 at page 46:

"The phrase 'by law' has been construed to mean that only statutory rights or privileges in existence in 1867 are afforded protection; long standing practices, customs or privileges of a voluntary character do not qualify under section 93(1); *Maher* v. *Town of Portland* (1874), Wheeler's Confederation Law of Canada, 338 at page 367; *Hirsch* v. *Protestant School Board Commissioners of Montreal et al, supra*, at page 1048 D.L.R., page 210 A.C."

Thus, for example, as indicated by a comparison of *A.G. Que.* v. *Lavigne* and *Roman Catholic Separate Schools Trustees for Tiny* v. *The King* [1928] A.C. 363, the legal rights and powers of separate schools trustees in Quebec and Ontario are different.

In Manitoba, by virtue of section 22 of the *Manitoba Act*, 33 Vict., c. 3, the rights and privileges protected are those which existed "by law or practice". Nevertheless, it was held in *City of Winnipeg* v. *Barrett* [1892] A.C. 445 that the inclusion of the word "practice" did not prevent Manitoba from abolishing the denominational system of public education then in existence.

23. *Roman Catholic Separate School Trustees for Tiny* v. *The King* [1928] A.C. 363 at 376

24. *Ottawa Separate School Trustees* v. *Mackell* [1917] A.C. 62, where the Privy Council upheld an English

only regulation as not prejudicially affecting denominational rights.

25. *Ibid*

26. Thus, for example, in *Ottawa Separate School Trustees* v. *City of Ottawa* [1917] A.C. 76, the Privy Council struck down a law which, for the purpose of enforcing the English-only regulation which was upheld in *Ottawa Separate School Trustees* v. *Mackell* [1917] A.C. 62, authorized the transfer of all management functions from separate school trustees to a provincial board.

27. The Supreme Court of Canada recently held in *Caldwell* v. *Stuart*, unreported S.C.C. rendered December 20, 1984, a case decided pursuant to the British Columbia *Human Rights Code*, R.S.B.C. 1979, c. 186, s. 8, that adherence to religious faith, including rules regarding intermarriage, can be a *bona fide* occupational qualification for employment in a Catholic school. McIntyre J., speaking for the Court, said at p. 26-7:

"The Board found that the Catholic school differed from the public school. This difference does not consist in the mere addition of religious training to the academic curriculum. The religious or doctrinal aspect of the school lies at its very heart and colours all its activities and programs. The role of the teacher in this respect is fundamental to the whole effort of the school, as much in its spiritual nature as in the academic. It is my opinion that objectively viewed, having in mind the special nature and objectives of the school, the requirement of religious conformance including the acceptable and observance of the Church's rules regarding marriage is reasonably necessary to assume the objects of the school".

Roman Catholic rules regarding intermarriage can thus be a "management" issue in Catholic schools.

28. (1978), 21 O.R. (2d) 255, 89 D.L.R. (3d) 445

29. (1984), 2 O. A.C. 74

30. *Quare* whether *Tremblay-Webster* is inconsistent with *Oil, Chemical and Atomic Workers International Union* v. *Imperial Oil* [1963] S.C.R. 584, where the Supreme Court of Canada upheld provincial legislation prohibiting a trade union from making political contributions out of compulsory dues. When *Oil, Chemical* is read with *McKay* v. *The Queen* [1965] S.C.R. it is clear that the underlying principle must have been protection of the freedom of speech of dissenting dues payers. See Finkelstein, Relevance of Pre-*Charter* Caselaw to Post-*Charter* Adjudication" (1982) 4 Sup. Ct. L.R. 267 at 270-1.

31. [1928] A.C. 363

32. 22 Vict., c. 64

33. 1863, 26 Vict., c.5

34. *supra* footnote 30 at p. 387

35. [1983] 3 W.W.R. 756

36. *Ibid.* For the contrary view that "fundamental justice" in s. 7 is purely procedural, see *R.* v. *Hayden* (1983), 3 D.L.R. (4th) 361 (Man. C.A.); *Re Mason and The Queen* (1983), 1 D.L.R. (4th) 361 (Ont. S.C.); *Public Service Alliance of Canada* v. *The Queen in Right of Canada* (1984), 11 D.L.R. (4th) 337 at 368 (F.C.T.D.)

37. See footnote 50, *infra*

38. For example, s. 50 of the Ontario *Education Act* provides:

(1) Subject to the regulations, a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires.

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult.

39. [1945] O.R. 518

40. (1939), 279 N.Y. 533 at 535

41. (1957), 12 D.L.R. (2d) 796

42. *Ibid* at 802

43. (1871) I.R. 5 Esq. 98 at page 103

44. *supra*, footnote 41 at p. 807

45. *Ibid* at p. 824

46. *Ibid* at p. 840

47. See F.R. Scott, Comment, (1958), 36 C.B.R. 248; *Bureau Metropolitan des Écoles Protestants de Montreal* v. *Ministre de L'Education du Quebec* [1976] C.S. 430 where Deschenes J. quoted with approval the opinion of the European Court of Human Rights that "natural" rights are not immune from government interference. For further commentary on the *Chabot* case, see Donald Johnston and Marvin Gameroff, "Comment", 4 McGill L.J. 268.

48. It should be noted that the Canadian cases are not unanimous in their tolerance of religious differences. In *Rex ex rel Brooks* v. *Ulmer*, [1923] 1 W.W.R. 1 (Alta. C.A.) the accused parent sent his child to a German Lutheran Protestant parochial school. The education statute then in force in Alberta exempted a child from attendance at public school if a school inspector certified in writing that he was receiving satisfactory instruction in the alternative private school. The parent was liable to penalty if his child failed to attend public school without the certificate. The inspector refused to grant the certificate. The Alberta Court of Appeal, upheld the parent's conviction pursuant to the statute, holding that the magistrate could not go behind the inspector's refusal to issue the certificate to inquire into the facts. In *Perepolkin* v. *Superintendent of Child Welfare (No. 2)*, (1957) 23 W.W.R. 592, the British Columbia Court of appeal dismissed a challenge to the constitutionality of a compulsory education statute which forced a child to attend school contrary to the parent's religious belief. Sidney Smith J.A. held that, whether or not jurisdiction over religion was a federal matter, the phrasing of s. 93 of the *Constitution Act*,

*1867* made "it clear that the mere fact that *bona fide* legislation on education may indirectly affect religion in some aspects does not affect its validity". *Ibid* at p. 59. See also *R.* v. *Hildebrand* |1918| 3 W.W.R. 286. In *R.* v. *Jones*, unreported Alta. C.A. released June 15, 1984, a post-*Charter* case, the accused pastor sent his children to a school which he had created called "The Western Baptist Academy". He did not apply pursuant to the *School Act* for certification that his children were receiving efficient instruction elsewhere. The Alberta Court of Appeal entered convictions against him for violation of the compulsory school attendance laws. The decision was based on the narrow ground that, because he had never applied for approval and consequently had never been refused, his freedom of religion had not been infringed. The case is not that helpful due to the narrowness of its *ratio decidendi*.

49. 268 U.S. 510 (1925)

50. *Ibid* at pages 534-5

51. The *Universal Declaration of Human Rights* of the United Nations, Art. 26, s. 3 states:

"Parents have a prior right to choose the kind of education that shall be given to their children".

The *International Covenant on Economic, Social and Cultural Rights*, Art. 13, s. 3, states:

"The States Parties to the present Covenant undertake to have respect for the liberty of parents, and when applicable, legal guardians to choose for the children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of the children in conformity with their own convictions".

also Art. 14, s. 2:

"The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education".

The *First Protocol to the European Convention on Human Rights*, Art. 2, states:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

*International Covenant on Civil and Political Rights*, Art. 18, s. 4, states:

"The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions".

52. *Francis* v. *The Queen* |1956| S.C.R. 618 (treaty exempting Indians from paying duty on goods when crossing the Canada/U.S. border not enforceable until implemented or sanctioned); *Capital Cities Comm. Inc.* v. *C.R.T.C.* |1978| 2 S.C.R. 141, 81 D.L.R. (3d) 609 (Court held 6:3 that the C.R.T.C. was not an agent of the Government of Canada, and that in any event there were no internal consequences arising from the *Inter-American Radio Communication Convention of 1937* unless they arose through implementing legislation, per Laskin C.J.C. at p. 173 S.C.R. However see the dissent of Pigeon J. at p. 188 S.C.R. that such a position is an "over-simplification". See also *Post Office* v. *Estuary Radio Ltd.* (1968), 2 Q.B. 740, cited by Pigeon J., that there is a presumption that the Crown does not intend to break a treaty. Thus, according to Lord Diplock, a ratified Convention would be binding on the Court unless overriden by a conflicting statute or order-in-council); Re *A.G. Canada and Stuart* (1982), 137 D.L.R. (3d) 740 at 748-9 (F.C.A.); *Re Dixon and Manitoba Labour Board* (1981), 127 D.L.R. (3d) 752 (Man. Q.B.). Furthermore, it is likely that implementing legislation must specifically refer to the Convention, or at least contain a sufficient ambiguity, before regard may be had to it. See *Schavernoch* v. *Foreign Claims Commission* (1982), 136 D.L.R. (3d) 447 (S.C.C.); *Capital Cities Comm. Inc.* v. *C.R.T.C.*, *supra* at p. 631 D.L.R.; *c.f. CAPAC* v. *CTC* |1968| S.C.R. 676.

53. *Re Drummond Wren* (1945) O.R. 778 (Ont. H.C.)

54. *R.* v. *Video Flicks*, unreported Ont. C.A. released September 19, 1984. For the effect of international law on the interpretation of the *Charter*, see Cohen and Bayefsky "The Canadian Charter of Rights and Freedoms and International Law" (1983), 61 Can. Bar Rev. 265. See also *Re Mitchell and The Queen* (1983), 42 O.R. (2d) 481 (O.H.C.)

55. For further discussion, see Nicholas Bala and J. Douglas Redfern, "Family Law and the 'Liberty Interest': Section 7 of the Canadian Charter of Rights" (1983), 14 Ottawa L.R. 74; J.A. Clarence Smith, "The Right to an Appropriate Education: a Comparative Study" (1980), 12 Ottawa L.R. 367; "Note: The Constitution and the Family" (1980) 93 Harvard L.R. 1156; Catherine Ross Fuller, "Access to Education: A Constitutional Right" (1982) 51 Cinn. L.R. 819

56. 406 U.S. 205 (1971)

57. I have focussed until now on parental rights as support for a constitutional right to educate children and establish private schools. Children's rights have not been as fully explored in caselaw and international treaties, but it can be argued that the right to establish alternate schools is predicated on the right of children to receive an education. The difficulty has always been that, at the stage in a child's life when education must begin, the child is too young to make mature choices. Thus the real issue is often not the "rights of the child" *per se* but rather who as between the parent and the state should make decisions on his behalf.

The leading decision on children's rights is that of Mr. Justice Douglas in *Wisconsin* v. *Yoder*. The record showed that the child of only one of the three sets of parents had testified and agreed that he wished to be exempted from public school attendance. Douglas J. in dissent could not acquiesce to allowing parental determination of the issue without hearing the views of the children from the other two sets of parents. He said at 406 U.S. 205 at 242:

"If the parents in this case are allowed a religious exemption, the inevitable effect is to impose the parents' notion of religious duty upon their children. Where the child is mature enough to express potentially conflicting desires, it would be an invasion of the child's rights to permit such an imposition without canvassing his views".

Chief Justice Burger's response for the majority did not adequately address the issue on the merits. Instead his reponse was highly technical, resting on the *locus standi* point that the parents rather than the children were charged with violating the law. The decision did not deal with the problem that the children's future was being seriously affected without their involvement at a time when, at the age of fourteen, they were capable of at least some degree of mature judgment.

Trying to resolve the conflicting rights of parent and child in the educational context can create virtually intractable problems, particularly where the issue is posed in the abstract, unconnected with any factual context to provide some direction. The *Yoder* case is a good illustration of the tension that can arise on a particular set of facts, where a decision is made for a child by his parents which severely limits his future opportunities at a time when he is capable of making informed choices. Other fact situations where a parent sends a very young child to a school which offers both religious and standard academic instruction may raise different considerations. It is therefore difficult to lay down general principles. It is sufficient to say that a parent has a *prima facie* right to educate his children and to establish alternative private schools for that purpose. This right may be restricted in certain cases by the child's competing rights.

For further discussion, see "Comment, Adjudicating what *Yoder* Left Unresolved: Religious Rights for Minor Children After *Danforth* and *Carey*" (1978), 126 U. of Penn. L.R. 1135.

58. This is true in the United States as well, and has been articulated in a number of cases. In ***Brown* v. *Board of Education***, 347 U.S. 483 at 493 (1954), Chief Justice Warren of the U.S. Supreme Court stated:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment".

Similarly, Chief Justice Burger stated in ***Wisconin* v. *Yoder*, *supra*** footnote 57 at p. 221:

"The State advances two primary arguments in support of its system of compulsory education. It notes, as Thomas Jefferson pointed out early in our history, that some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society. We accept these propositions".

59. *Reference re: Alberta Statutes* [1938] S.C.R. 100, [1938] 2 D.L.R. 81 at 107

60. *supra* footnote 57

61. *Pierce* v. *Society of Sisters*, *supra* footnote 48 at p. 534

62. *Donald* v. *Hamilton Board of Education*, *supra* footnote 41; *Chabot* v. *School Commissioners of Lamorandiere*, *supra* footnote 43; *Wisconsin* v. *Yoder*, *supra* footnote 57

63. *Prince* v. *Massachusetts* 321 U.S. 158 (1944)

64. 262 U.S. 390 (1923)

65. *Ibid* at p. 401

66. 321 U.S. 158 (1944)

67. *Ibid* at p. 166-7

68. 1976 Yearbook of the European Convention on Human Rights 502 at 504

69. 1977 Yearbook of the European Convention on Human Rights 214 at 240

70. Canada has ratified, with the unanimous consent of the provinces, the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*. Article 13, s. 1 of the former Covenant states:

"The States Parties to the present Covenant recognize the right of everyone to education".

Article 13 goes on to provide that the states who are parties to the Covenant will attempt to achieve full realization of this right by making primary education available free to everyone. These Covenants have not yet been implemented in Canada by competent legislation. They are therefore not binding on Canadian courts. However they have been used by the courts to interpret *Charter* provisions. See *R.* v. *Video Flicks*, unreported Ont. C.A. released September 19, 1984. Using these instruments as persuasive authority, I would suggest that the *Charter* guarantees a right to a publicly funded education.

71. *R.* v. *Video Flicks*, *supra* footnote 57

72. There is no prohibition in the *Charter* as there is in the *U.S. Constitution* against state support for religion. Even in the United States, notwithstanding the existence of the Establishment Clause in the *U.S. Constitution*, American courts have long allowed the state to provide some services to religious institutions or schools as part of the state's general programs. As stated recently by Mr. Justice Byron White in ***Committee for Public Education and Religious Liberty* v. *Regan***, 100 S. Ct. 840 at 846 (1980):

"A leglislative enactment does not contravene the Establishment Clause if it has a secular legislative purpose, if its principle or primary effect neither advances nor inhibits religion, and if it does not foster an excessive government entanglement with religion".

In *Everson* v. *Board of Education*, 330 U.S. 1 (1947), the U.S. Supreme Court considered the constitutionality of state subsidization of a general scheme of student transportation to and from school. The subsidy was challenged on the basis that it was made available to students of Catholic parochial schools contrary to the Establishment Clause. Mr. Justice Hugo Black, speaking for the Court, stated at page 16:

"New Jersey cannot consistently with the 'establishment of religion' clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Methodists, Non-Believers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation. While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful, in protecting the citizens of New Jersey against state established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general state law benefits to all citizens without regard to their religious belief".

In *Board of Education* v. *Allen* 393 U.S. 236 (1938), New York required local public school authorities to lend text books free of charge to both public and private school students. The Supreme Court followed *Everson* and upheld the legislation. Mr. Justice White, speaking for the Court, stated at pages 243-44:

"The law merely makes available to all children the benefits of a general program to lend school books free of charge. Books are furnished at the request of the public and ownership remains, at least technically, in the State. Thus no funds for books are furnished to parochial schools, and the financial benefit is to parents and children, not to schools. Perhaps free books make it more likely that some children choose to attend a sectarian school, but that was true of the state-paid bus fares in Everson and does not alone demonstrate an unconstitutional degree of support for a religious institution".

It should be noted that neither *Everson* nor *Allen* *required* that the state subsidy of transportation or books be extended to private schools. They merely held that it was *allowed* as a matter of policy.

The issue of whether the state was obliged to establish a school near a religious colony arose in *Deerfield Hutterian Association* v. *Ipswich Board of Education*, 468 F. Supp. 1219 (1979), where a Federal District Court in South Dakota upheld a school board's refusal to establish a school at or near a Hutterite colony. The Hutterites, relying upon *Wisconsin* v. *Yoder* 406 U.S. 205 (1972), argued that their religion required them to be separated from other worldly influences. The Judge stated at page 1228:

"The *Yoder* case does not stand for the proposition that if a religious group feels strongly about its religious tenets and wishes its children segregated from the world, it can force the state to set up and pay for a separate school for their children".

The effect of these cases is that the state is entitled to support private and parochial school education to a limited extent but is not constitutionally required to do so.

73. (1984) 84 D.T.C. 6494 (F.C.C.)

74. 1960 (Can.), c. 44. The text of section 1(b) of the Canadian Bill of Rights states:

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(b) the right of the individual to equality before the law and the protection of the law.

75. [1970] S.C.R. 282 (1969) 9 D.L.R. (3d) 473

76. R.S.C. 1952, c. 149

77. R.O.N.W.T. 1956, c. 60, s. 19(1)

78. *supra* footnote 74 at p. 484

79. For cases where s. 1 has been determinative, see, for example, *Federal Republic of Germany* v. *Rauca* (1983), 41 O.R. (2d) 225; *Re Southam No. (1)* (1983), 41 O.R. (2d) 113. For further discussion on s. 1, see Finkelstein, "Section 1: The Standard for assessing Restrictive Government actions and the *Charter's* Code of Procedure and Evidence" (1983), 9 Queen's L.J. 143; Finkelstein, "A Question of Emphasis: The State's Burden in *Federal Republic of Germany* v. *Rauca* (1983), 30 C.R. (3d) 112

80. (1983) 41 O.R. (2d) 114 at page 124

81. *Ibid* at p. 129. See also *Re Federal Republic of Germany and Rauca* (1983) 41 O.R. (2d) 225 at 246

82. It is worth noting that the situation in other countries, particularly with regard to parochial education, is not strictly comparable because their constitutional arrangements are different. The United States cannot directly fund any religious schools at all due to the Establishment Clause, so a singling out of Roman Catholic or Protestant minority denominational schools would not arise. Here there is a constitutional requirement that such schools be publicly financed so an equal protection problem occurs. In the *Belgium Linguistics Case* and *Forty Mothers* v. *Sweden*, Articles 2 and 14 of the *First Protocol to the European Convention on Human Rights* were phrased differently from our equality guarantee. The two Articles read together formulated the guaranteed rights in the negative, implying that the state did not have a positive obligation to subsidize private schools. The equality guarantee in s. 15 of the *Charter* imposes a positive obligation upon the state to give "equal benefits" if benefits are given out at all, unless there are reasonable grounds for differentiation. This positive obligation distinguishes the Canadian constitutional situation from those governed by the *Convention*.

83. *supra* footnote 22

84. (1984), 47 O.R. (2d) 1

85. *Ibid* at p. 50

86. *supra* footnote 23

87. I recognize that it may be difficult in certain cases to differentiate between parochial and non-parochial schools. The range of religious content in a school's curriculum may range from total absence to complete immersion. As one moves to the middle of the spectrum the boundary separating the two becomes blurred.

That does not mean, however, that the distinction is not viable. There is clearly a distinction at least at the opposite ends of the spectrum. If and when the government promulgates regulations which draw the line in the wrong place, those regulations may be susceptible to attack.

88. 1968 (II) Yearbook of the European Convention on Human Rights 832, 45 I.L.R. 114

89. For an excellent short treatment of private education in the European Economic Community, see Peter Mason, *Private Education in the EEC*, 1983, prepared for ISIS (Independent Schools Information Service). It sets out both the factual and statistical features of private education in the member countries and the legal and constitutional positions.

90. *supra* footnote 86 at 858

91. 1977 Yearbook of the European Rights 214 at p. 238

92. 411 U.S. 1 (1973)

93. *Ibid* at p. 35

94. *Ibid* at p. 37

95. On the other hand, in *Plyler* v. *Doe*, 102 S. Ct. 2382 (1982) the U.S. Supreme Court found such a rational relationship to be absent where a Texas statute withheld state funds from local school districts for the education of illegal immigrant children. The undocumented status of the children was not a sufficient rational basis for denying benefits that the state afforded to other residents.

96. 413 U.S. 455 (1973)

97. *Ibid* at p. 462

98. Thus, to illustrate, in *Guadalupe Organization* v. *Temple Elementary School District No. 3*, 587 F. 2d 1022 (1978) the 9th Circuit Federal Court of Appeal held that a school district had no obligation to provide bilingual education to Mexican-American and Yacqui Indian children. In *Deerfield Hutterian Association* v. *Ipswich Board of Education*, 468 F. Supp. 1219 (1979), a South Dakota federal district court held that the state had no obligation to set up a separate school near a Hutterite colony so that Hutterite children could be separated from worldly influences.

99. *supra* footnote 22

100. (1874) Wheeler's Confederation Law of Canada, 338

101. (1874), 2 Cart. 445 (S.C.C.)

102. 33 Vict. c. 3 (Can.), confirmed by the British North America Act, 1871

103. [1892] A.C. 445 reversing (1892) 19 S.C.R. 374

104. *Ibid* at p. 385 (S.C.R.)

105. *Ibid* at p. 388

106. *Ibid* at p. 452-3 (A.C.)

107. *Ibid* at p. 454

108. (1893) 22 S.C.R. 577

109. [1985] A.C. 202

110. *Ibid* at p. 227

111. See Berger, *Fragile Freedoms*, page 74

112. [1919] 3 W.W.R. 286

113. Unreported S.C.C. delivered December 20, 1984, at p. 33

114. In *Perepolkin* v. *Superintendent of Child Welfare (No. 2)* (1957), 23 W.W.R. 592 (BCCA), Doukhobours challenged a magistrate's order which had committed a Doukhobour child to the Superintendent on the ground of habitual truancy. The child was not attending school as required by law. It was argued that the compulsory school attendance laws should be read down so as to exclude Doukhobours because school attendance was contrary to their religious beliefs. The law was impugned as being in relation to religion and not education. Smith J.A. stated at page 599:

"The *B.N.A. Act*, sec. 93 expressly gives exclusive jurisdiction over education to the provinces with a few enumerated exceptions, none of which applies here. Even assuming that the provinces cannot legislate on religion sec. 93 I think makes it clear that the mere fact that *bona fide* legislation on education may indirectly affect religion in some aspects does not affect its validity. Any other view would make the enumerated exceptions nonsensical".

115. R.S.B.C. 1977, c. 378

116. 4-5 Edw. VII, c. 3

117. 4-5 Edw. VII, c. 42

118. [1927] S.C.R. 364

119. (1914), 50 S.C.R. 589, 18 D.L.R. 571, 7 W.W.R. 7

120. [1917] 1 W.W.R. 1105 (Sask. C.A.)

121. [1917] 1 W.W.R. 1088 (Sask. C.A.)

122. (1965), 55 D.L.R. 646 (Sask. C.A.) leave to appeal denied by the Supreme Court of Canada on February 8, 1966

123. *Ibid* at p. 653. This decision has been criticized by Tarnopolsky at page 215 of *Discrimination and the Law*

124. |1923| 1 W.W.R. 1 (Alta. C.A.)

125. |1976| 6 W.W.R. 717

126. |1980| 1 W.W.R. 347, affirmed |1981| 4 W.W.R. 187 (Alta. C.A.)

127. Confirmed by the *British North America Act*, 1949, 12-13 Geo. VI, c. 22 (U.K.)

128. In *Stack* v. *Roman Catholic Board of St. John's* (1979), 99 D.L.R. (3d) 278 (Nfld. S.C., Trial Division), a teacher was dismissed without notice. In its defence, the school board offered the interesting proposition that at the date of Union with Canada, the province had legislation which authorized a school board to dismiss a teacher for "immoral conduct" and that while this legislation had since been repealed, the legislature lacked the authority to repeal the legislation because of Term 17, and that therefore the school board could rely on the "immoral conduct" provision. Noel J. stated at page 283:

"Term 17 does not, expressly or by implication, state an intention that all law relating to education would become unalterable at the date of Union."

It was found that Term 17 had no application to this wrongful dismissal case.

129. |1928| A.C. 200

130. |1955|, |1956| 1 D.L.R. (2d) 414 (C.A.)

131. *Ibid* at p. 417

132. Unreported S.C.C. delivered December 20, 1984

133. *An Act respecting Provincial Aid for Superior Education, — and Normal and Common Schools* C.S.L.C. 1861, c. 15

# APPENDIX: SECTION 93, PROVINCE BY PROVINCE

Perhaps the most remarkable feature of section 93 rights and privileges is that they are not uniform across Canada. This is due to their "frozen in time" character and the fact that the various versions of section 93 which were implemented as other provinces joined the Union are not identical. As a result, it is necessary to analyze section 93 rights and privileges province by province.

### New Brunswick and Nova Scotia

There were no special laws with regard to separate schools in these two provinces at Confederation. When the New Brunswick legislature passed *The Common Schools Act, 1871,* which compelled all residents to support a system of common schools, there was strong opposition. Two cases resulted, *Maher* v. *The Town of Portland,*[100] and *Ex Parte Renaud.*[101] These cases established the principle that section 93 rights must be legal rights guaranteed by statute. The fact that prior to Confederation various denominational schools received public funds did not amount to a right to tax supported denominational schools. It was also found that there was no right to an exemption from assessment for the common schools. As a consequence, the only right in relation to separate schools in these two provinces is the common law rights which existed at Confederation to establish separate schools.

### Manitoba

The controversy over separate schools in Manitoba in the 1890s was very divisive for Canada. The relevant provision is s. 22 of the *Manitoba Act*[102] which reads as follows:

> 22. In and for the Province, the said Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:
>
> (1) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union:
>
> (2) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege, of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:
>
> (3) In case any such Provincial Law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then, in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

Section 22 thus differs from s. 93 in that it protects rights and privileges existing in law and practice. These words were added quite deliberately since in 1870 no denominational rights existed in law. As a result, Riel's delegates to Ottawa in 1870 were insistent on the words "in practice" because otherwise no separate school rights would exist. In 1870, Manitoba was divided fairly equally between Protestants and Catholics. By 1890, the Protestants were a clear majority. The *Public Schools Act* of 1890 ended public funding for separate schools and compelled all rate payers to support the public school system. This began what may be compendiously called the Manitoba School Question. A Catholic rate payer went to court in *Barrett* v. *City of Winnipeg.*[103] The separate school supporters were successful before the Supreme Court of Canada, where Chief Justice Ritchie stated:[104]

> "While it is quite clear that at the time of the passing of this Act (Manitoba Act) there were no denominational or other schools established and recognized by law, it is equally clear that there were at that time in actual operation or practice a system of denominational schools in Manitoba well established and the de facto rights and privileges of which were enjoyed by a large class of persons."

and[105]

> "But it is said that the Catholics as a class are not prejudicially affected by this Act. Does it not prejudicially, that is to say injuriously, disadvantageously, which is the meaning of the word "prejudicially" affect them when they are taxed to support schools of the benefit of which, by their religious belief in the rules and principles of their church, they cannot conscientiously avail themselves, and at the same time by compelling them to find means to support schools to which they can conscientiously send their children, or in the event of their not being able to find sufficient means to do both to be compelled to allow their children to go without either religious or secular instruction?"

The Privy Council reversed Lord MacNaghten, in considering the affect of the addition of the word "practice", stated:[106]

> "These words were no doubt introduced to meet the special case of a country which

> had not as yet enjoyed the security of laws properly so called. It is not perhaps very easy to define precisely the meaning of such an expression as "having a right or privilege by practice". But the object of the enactment is tolerably clear. Evidently the word "practice" is not to be construed as equivalent to "custom having the force of law". Their Lordships are convinced that it must have been the intention of the legislature to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools, which any class of persons practically enjoyed at the time of the Union."

and[107]

> "[Roman Catholics] would have had by law the right to establish schools at their own expense, to maintain their schools by school fees or voluntary contributions, and to conduct them in accordance with their own religious tenets. Every other religious body, which was engaged in a similar work at the time of the Union would have had precisely the same right with respect to their denominational schools. Possibly this right, if it had been defined or recognized by positive enactment, might have had attached to it as a necessary or appropriate incident the right of exemption from any contribution under any circumstances to schools of a different denomination."

Thus, because the separate school supporters did not have a positive right to a rate exemption when Manitoba entered the Union, their loss thereof did not "prejudicially affect" any guaranteed right or privilege.

*Barrett* was not the end of the matter. Section 22(2), like s. 93(3), contains a provision for appeals to the federal Cabinet, which then has the power to direct the province to remedy the situation. If the province fails to do so, Parliament can enact remedial legislation pursuant to s. 22(3). The separate school supporters in Manitoba appealed to the federal Cabinet. The appeal was challenged on the ground that the legislation did not "affect" any right or privilege protected by law or practice, and therefore the Cabinet did not have jurisdiction pursuant to s. 22(3) to deal with the matter. The Supreme Court of Canada, perhaps chastened by the Privy Council's reversal of *Barrett*, held against the separate school supporters in *Brophy* v. *A.G. Manitoba*.[108]

On appeal to the Privy Council[109] the Supreme Court of Canada's decision was again reversed. The Privy Council stated:[110]

> "Before these [Acts] passed into law there existed denominational schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? Schools of their own denomination, conducted according to their views, will receive no aid from the State. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which State aid is granted to the schools provided for by this statute fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for purposes, the proceeds of that assessment are no longer destined to any extent to the support of Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctly Protestant in their character.
>
> In view of this comparison it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education which existed prior to 1890 have not been affected."

The Manitoba School Question was resolved, however unsatisfactorily, by an agreement between Prime Minister Laurier and Premier Greenway of Manitoba in 1896. The remedial part of section 22 was not used. The agreement provided for religious instruction in public schools during the last half-hour of each day and, where numbers warranted, Catholic parents might petition the school trustees to employ a Roman Catholic teacher.[111]

Catholics, of course, were not the only group adversely affected by the new education policy of 1890. There was and is a large community of Mennonites from Russia in Manitoba, which had been encouraged to immigrate to Canada by the federal government. A federal Order-in-Council passed on August 13, 1873 stated in part:

> "That the Mennonites will have the fullest privilege of exercising their religious principles, and educating their children in schools, as provided by law, without any kind of molestation or restriction whatever."

In *Rex* v. *Hildebrand*,[112] the Manitoba Court of Appeal held that the federal Order-in-Council was *ultra vires*, and accordingly was no defence for Mennonite parents convicted of violating compulsory public school attendance laws. Education was a provincial matter, and accordingly the federal Order-in-Council was of no effect so far as education was concerned.

### British Columbia

When British Columbia joined Confederation in 1871, there were no special laws protecting denominational schools. As a consequence, section 93 rights are very limited. As stated by McIntyre J., speaking for the Supreme Court of Canada in *Caldwell* v. *Stuart*:[113]

> "The rights of denominational schools were very limited at the time of Confederation. It has been said that they were limited to the right to exist (see Abrey S. Brent, "The Right to Religious Education and the Constitutional Status of Denominational Schools" (1974-5), 40 Sask. Law Review 239)".[114]

It should be noted that British Columbia, quite independent of any s. 93 rights, allows for public funding for private schools under the *School Support (Independent) Act*,[115] provided that certain conditions are met, as previously discussed in the main body of this paper.

### Prince Edward Island

When Prince Edward Island joined Confederation in 1873, there were no special laws in regard to denominational schools. While in practice denominational schools were publicly supported, there was no law which gave this right. There have been no major disputes with regard to section 93 rights in Prince Edward Island.

### Saskatchewan and Alberta

When Saskatchewan and Alberta joined Confederation as provinces in 1905, s. 17 of both the *Alberta Act*[116] and the *Saskatchewan Act*,[117] in identical form, provided for separate school rights as follows:

> 17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:
>
> (1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.
>
> (2) In the appropriation by the Legislature or distribution by the Government of the province of any monies for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.
>
> (3) Where the expression "by law" is employed in paragraph (3) of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30; and where the expression "at the Union" is employed in the said paragraph (3), it shall be held to mean the date at which this Act comes into force.

Section 17 is wider than section 93 in that it extends constitutional protection to religious instruction in all schools. Section 17(2) also explicitly provides that there be no discrimination in the appropriation and distribution of public funds for separate school education. The validity of Parliament's variation of section 93 by section 17 was upheld by the Supreme Court of Canada in *Reference re Section 17 of the Alberta Act*.[118]

In *Regina Public School* v. *Grattan Separate School*,[119] a Saskatchewan statute which altered the allocation of taxes paid by corporations and thereby increased the separate schools' share of taxes was held valid.

In *McCarthy* v. *The City of Regina*,[120] it was held that all rate payers of a separate school district who are of the religious faith of the minority establishing the district should be assessed as separate school supporters whether they voted for the establishment of the district or not.

In *McCarthy* v. *The City of Regina and Board of Trustees of the Public School Board*,[121] it was held that a person who is not of the religious faith of a minority which has established a separate school cannot escape the obligation of being assessed for the support of the public school.

In *Bintner* v. *Regina Public School Board District No. 4*,[122] the unusual holding was made that members of a minority which has established a separate school district may have a separate school, but this gives them no right to enroll their children in the public school. It was argued, among other things, that this amounted to discrimination on the basis of religion and so was contrary to the Saskatchewan Bill of Rights. Culliton C.J.S. stated:[123]

> "Under the laws of this Province, a minority group within a public school district has a right to establish a separate school. That group may be "Protestant" or "Roman Catholic". In the Regina public school district the minority which established the separate school district was, and is Roman Catholic. It thus follows that the Public School Board in limiting its obligations to educating children of the faith of the public school community, do, in fact, refuse to enroll children of the Roman Catholic faith. Such, however, is the inevitable result of the policy but not the purpose thereof."

In Alberta, section 17 was first considered in *Rex ex rel Brooks* v. *Ulmer*,[124] where a German Lutheran parent was convicted of a violation of *The School Attendance Act* in that his child attended a German Lutheran Protestant School which had not been granted a certificate which exempted its students from attendance at a public school. The school inspector who had the authority to issue certificates had refused to do so on the ground that the instruction in the school was unsatisfactory, without giving further reasons. The Court of Appeal upheld the parent's conviction.

In *Schmidt* v. *Calgary Board of Education and Alberta Human Rights Commission*,[125] the Alberta Court of Appeal considered whether the practice in Alberta of charging a fee to parents of students who are enrolled in a school other than that of the parent's religion was discriminatory and in violation of *The Individuals Rights Protection Act*. The Court upheld the practice. The Court found that there is a statutory right for the establishment of separate school systems based upon a minority religion in Alberta. Further, a person's faith determines which school system his children must attend. Taxes can only be paid to the school system which embraces the tax payers faith. There was found to be no discrimination in charging a fee if such a parent wishes to send his children to the other school system.

In *Calgary Board of Education* v. *A.G. Alberta and Board of Trustees of Calgary Roman Catholic Separate School District No. 1*,[126] a new system of apportioning corporate taxes between public and separate schools was challenged as being in conflict with section 17 rights. This case presented the interesting question of whether section 17 protected the majority, as well as the minority in a school district. The Alberta Court of Appeal held that section 17 gives constitutional protection to the rights of certain minorities with respect to separate schools but does not protect the majority.

### Newfoundland

When Newfoundland joined Confederation in 1949, Term 17 of the *Terms of Union of Newfoundland with Canada*[127] was substituted for section 93. Term 17 is, without question, the widest statutory provision in relation to denominational schools in any province in Canada. Section 17 states:

> 17. In lieu of section 93 of the British North America Act, 1867, the following term shall apply in respect of the Province of Newfoundland:
>
> In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,
>
> (a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and
>
> (b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

The Newfoundland school system is largely denominational in character. There is no "public" education as such.[128]

### Quebec

In *Hirsch* v. *Protestant Board of School Commissioners of Montreal*,[129] the Privy Council considered the effect of s. 93 on the Quebec school system. The controversy arose over the education of Jewish children primarily in Montreal. In 1903, the province passed an Act which stated that Jewish children should, for school purposes, be treated in the same manner as Protestants. The Privy Council held that this Act was *ultra vires* the province to the extent that it would enable Jewish people to be appointed to the Protestant Board of School Commissioners, as this would prejudicially affect the rights or privileges of denominational school supporters. However the Privy Council held that Jewish children had the right to attend Protestant schools in Montreal and could be admitted as a matter of grace to schools in the rural municipalities. The Privy Council also held that section 93 did not prevent the establishment of schools as a matter of government policy for persons who were neither Protestant nor Catholic.

In *Perron* v. *School Trustees of the Municipality of Rouyn and A.G. Quebec*,[130] a parent who was a Jehovah's Witness successfully sought mandanus against trustees of a dissident school who had refused to let his children attend the school. The parent was a former Catholic and was still on the assessment rolls for the Catholic Public School. Among other things, the school board objected to a Jehovah's Witness being characterized as a Protestant. Bissonnette J. stated:[131]

> "In conclusion, to be considered a Protestant it is sufficient to be a Christian and to repudiate the authority of the Pope."

Since Jehovah's Witnesses were Protestants and Protestants were a class of persons with protected rights pursuant to section 93, the Court found that the children of the Jehovah's Witness parent had the right to attend the dissident Protestant school.

In *A.G. Quebec* v. *Lavigne*,[132] the Supreme Court of Canada had to deal with a Quebec statute which established a new system of school financing based primarily upon government grants rather than specifically earmarked taxation. The statute, an amendment to the provincial *Education Act*, applied to all public schools in Quebec, whether denominational or not, and provided that 1) the Minister of Education must make rules regarding allowable expenses which are eligible to be covered by grants; 2) school commissioners and trustees must levy taxes to cover non-eligible expenses; 3) the tax assessment was subject to a ceiling; and 4) any taxation in excess of the ceiling had to be approved by referendum of the electors.

The court struck down the statute. After reviewing the education statute[133] in force at Confederation, the Court concluded that the right of Roman Catholics and Protestants in 1867 to direct and control their denominational schools was recognized by law. As to financing, the law recognized a right to receive funds on a proportionate basis from the electors within their municipality. By omitting to state that the grants must be distributed on a proportionate basis, and by making the boards submit to a referendum in respect of certain expenses which could include electors from outside the school district, the statute under consideration in *Lavigne* prejudicially affected rights guaranteed by s. 93(1). It was accordingly *ultra vires* the Legislature.

### Ontario

The important cases in Ontario relating to section 93 rights have already been referred to elsewhere in this paper.

## Appendix E

# "THE FUNDING OF PRIVATE SCHOOLS IN ONTARIO: PHILOSOPHY, VALUES AND IMPLICATIONS FOR FUNDING"

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# DEPARTMENT OF EDUCATIONAL ADMINISTRATION

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# CONTENTS

Foreword ........ 112
Introduction ........ 113
Chapter One Some Preliminary Assumptions: Education as a Good; Mandatory Education; Public Funding ........ 114
Chapter Two Philosophical Background to the Provision of Education ........ 118
Chapter Three Values and Educational Operation ........ 124
Chapter Four Operational Policies for the Operation of Private, and Public, Education in Ontario ........ 131
Chapter Five Conclusion ........ 138
Footnotes ........ 139
Appendix I Charter of Rights and Freedoms Constitution Act 1982 ........ 140
Appendix II Relationships among Philosophies, Values and Educational Arrangements 141
Appendix III Choosing among the Options ........ 142
Appendix IV Rank Order of Options by Examples Provided on Appendix III ........ 151

# FOREWORD

This paper has been prepared on behalf of the Commission on Private Schools in Ontario. Its purpose is to examine the values underlying the various options open to the Province as it decides whether and how it should fund private schools. The paper is not intended to be a scholarly contribution to the literature. It is intended as a practical contribution to a very difficult area of public policy-making.

The paper then is not a work of philosophy, sociology or economics, although all those disciplines are relevant to the issue at hand. No more is it intended to deal with the day-to-day administrative problems of funding alternatives. I have tried to find a middle way between an academic approach, which would fill several books, and a discussion of problems of implementation, which would avoid the crucial issues. I have tried to analyse the beliefs, values and rationality lying behind a variety of different policy positions.

A discussion of values is sensitive to the influence of the writer's own values, and this paper is no exception to that general rule. I have tried to deal with the different positions in a spirit of impartiality, but I warn the reader that the selection and emphasis of different values and their consequences are value laden choices. The criteria I develop by which to judge the various options reflect certain values and not others. The reader must be careful to ensure that additional criteria are added if necessary. I began this exercise with few clear preferences with respect to the treatment of private schools and tried to keep an open mind as I worked my way through the labyrynth. I found that my views began to crystallize by the time I reached the specific options. If the exercise was helpful to me in that respect, perhaps it will also be so to my readers, some of whom will, without doubt, reach conclusions very different from my own.

# INTRODUCTION

## The Context

The context of this paper is Ontario 1984, with the decision having been made by the provincial government that full funding, from kindergarten to grade twelve, will be extended to Roman Catholic separate schools. The possible implications for private schools are obvious. If one alternative to the public school is to be fully funded are there reasons why all other alternatives should not be? If only selected alternatives should be funded, then how do we determine a dividing line?

In this paper, I explore the value positions that underlie the possible arrangements under which schooling could be provided in the Province of Ontario. It is important to identify and recognize the strengths of the different value positions which people sincerely hold about the education of our children. Some value positions stand out clearly in an easily definable way. However, the compromise arrangements that are frequently the political outcomes of value conflicts are less easily characterized by a clear set of values. Even so, it would be wise to consider carefully the values being compromised as new educational arrangements are forged.

## The Factors Affecting the Organizational Arrangement of Public Education

It is important to recognize, as values sets are developed and considered, that public policy is not necessarily, or usually, based on a clearly enunciated set of beliefs. Further, educational policies are likely to be significantly affected by factors other than value sets to which some thoughtful people adhere. We have a history and a present. If we were beginning public education, the question of Catholic education would be in a quite different context; but we are not, there is a tradition and there is a physical fact of Catholic schools. Many Catholics, were we beginning, might well be willing to endorse common public schools that would, to some degree, reflect the Catholicity of a substantial minority of Ontarians. The same people are less likely to endorse the dismantling of a school system, apparently in favor of a secular public school system which is not reflective of Catholicity. In addition to our inherited arrangements, there is the law. In Canada, parliament is less clearly supreme than it once was. The new Constitution goes far beyond the BNA Act with its entrenchment of the Charter of Rights and Freedoms (Appendix I) which may well significantly influence the educational arrangements a province may offer. Will it be possible, for example, to operate schools which discriminate on grounds of sex, native origin or religion, particularly if the act of discrimination takes the form of requirements for registration? That question becomes particularly apposite if the discrimination cannot be justified either by recourse to provisions in the BNA Act or to provisions in the Charter for the protection of disadvantaged minorities. There are limits to the jurisdiction of the Charter. Rights are only enforceable to the extent they are demonstrably justifiable in the context of a free and democratic society. Further, provincial parliaments have the right to legislate specifically against certain rights, by the use of the "notwithstanding" clause (see Appendix I).

These legal limitations, particularly the operation of the "notwithstanding" clause, reinforce the importance of what I term the *political* factor. In one sense of the word *political*, this entire paper is a matter of *politics*, in that it is couched in terms of public policy. It is also *political* in the sense that the issues are, potentially, a matter for debate among the provincial political parties. In this context, I am using the word in neither of those perfectly legitimate senses. I am using the word to describe public questions that are notably susceptible to public suasion, with or without the help of constituted political parties. The problem then is not just one of second guessing the Supreme Court — difficult enough in itself. The problem is compounded by the equally important political question: What will the public, both the majority and vociferous and influential minorities, be prepared to accept as fair? For example, even if the Supreme Court were to permit full funding of Catholic schools and no funding to evangelical Christian private schools, would the public accept that arrangement as fair? Will an opposition party (no matter which party is in power) seek added electoral support by promising to introduce government funding for private Christian schools? In this area, the political powers of parliament and interest groups may well be stronger than their equivalents in the United States. That statement may be a surprise to Canadians who believe that lobbying and interest groups are American inventions. The major factor preventing the funding of private schools in the United States is the entrenched separation of church and state. There is no such prohibition in Canada. Until recently, Canadian schools, both public and Catholic, were generally perceived as being, quite openly and appropriately, Christian. In many parts of the country, public schools were seen as being just as Protestant as Catholic schools were Roman Catholic. In Quebec, the schools remain to this day, constitutionally although not in fact, either Catholic or Protestant.

## Chapter One

# SOME PRELIMINARY ASSUMPTIONS: EDUCATION AS A GOOD; MANDATORY EDUCATION; PUBLIC FUNDING

### Education as a Good

My first assumption is that education is a good. I mean by education the formal and deliberate attempt to bring about change in human beings; I refer particularly to change in the mind, to the enhancement of the ability to understand, to discriminate and to evaluate, but I also include training in skills such as computation and the ability to use a second language. Education may include many other things. Most of these things are further specifications of the generalities of my original definition: job training, aesthetic appreciation, aesthetic expression, and social adaptation are examples. However, there are two further aspects of education that are rather distinctive. I refer to spiritual and/or moral development and physical development. Clearly, the concept of *education* can survive the absence of some of those specific examples, and probably, the loss of spiritual and physical aspects. But the prospect of those losses leads one to ask how much can be lost from the definition of education if it is to remain a good.

The question of education as a good foreshadows the later discussion of options in educational arrangements and the place of public funding. I have noted that I assume that *education* is a good. This assumption is not unreasonable because we know, from opinion polls, and from the ubiquity of publicly funded, compulsory elementary and secondary education within the developed world, that the assumption is generally held. But my definition of education allows for the inclusion of *miseducation*. It is possible to conceptualize a school whose major thrust is towards the development of children's minds so that they will learn to despise those different from themselves and to learn that it is normal and reasonable to use violence to settle differences with those who are contemptibly inferior, by virtue of their race, religion or culture. Indeed, it is arguable that such schools have existed in Nazi Germany and Stalinist Russia. This illustrates the gap between my assumption that *education* is a good and my definition of education.

It is generally true that when we say *education* is good we mean something different from when we say that *education* is carried out in schools all over the world. Now we could solve the semantic problem by using the term *education* for what we want and the term schooling for what is. Or, I could simply add to my definition of *education* those qualities which I believe will distinguish *education for good* from *miseducation.* I have not done either of those two things, for two reasons. The definition I have adopted is one which is consistent with everyday usage. Further, the gap between *education* and *education for good* is instructive. To me, *education for good* involves not only education but education that will help learners seek and find truth and justice. Not everyone will agree. Some will argue that good education (i.e. education that should have a claim on the public purse) should be morally neutral, insofar as it is possible within a value laden world; only the values intrinsic to education, to learning, should be promulgated. Whether the reader prefers my position, which is vulnerable to the charge that my selected values are personal and arbitrary, or the alternative, which is vulnerable to the charge that it merely substitutes one rather vague orthodoxy for another, is immaterial at this juncture. The point is that while it is reasonable to assume that education is a good, while we can probably reach a common sense understanding of what we normally mean by education, we cannot automatically assume that we all have exactly the same thing in mind when we say education is a good. This may seem an unreasonably fastidious distinction in a context where nearly everyone is in favor of public funding of elementary and secondary schools, which, we may assume, generally satisfy in some vague way most of our conceptions of *education as a good.* But it is not such a fastidious distinction if we consider the possibility of extending public funding to any private school with bona fide students.

I have drawn a distinction between *good education* and *miseducation.* We must also accept the conceptual possibility of there being neutral education; i.e. *education* which satisfies my definition of education, but which neither enhances nor retards the development of those qualities I have termed good; or more likely, it may enhance certain qualities while others are retarded or left in abeyance. Thus it is possible that some publicly funded schools today contribute to the development of the awareness of scientific truth, but do not enhance the development of a sense of moral truth and justice. The existence of this third category depends on one's definitions of *good education* and *miseducation.* If one believes that good education necessarily includes a, b and c (e.g. the development of the beliefs that the Bible is literally true, that only those who are "saved" will go to heaven and that education is more concerned with personal salvation than intellectual development), then it follows that schools lacking a, b and c are *miseducative.*

### Mandatory Education

My second assumption is that elementary and secondary education should be compulsory. The simplest argument for this position is that *education is a good.* But that assertion is insufficient. First, I have argued that there is incomplete agreement on what constitutes *good education.* How can we make something compulsory without knowing what it is? This point is less compelling than it appears at first sight. These is no real problem in defining the form, the substance, the stuff of education — it is schooling, what happens in schools (although parents may also be approved to provide the equivalent stuff at home). Further, even though we may not all agree on what constitutes *good education,* there is sufficient consensus to make mandatory education the norm in the developed world.

The second problem is more substantial. Everything that is a good is not mandatory. It is good for young people to be courteous to adults, but there is no law that makes courtesy compulsory. It is good for young people to help and honor their parents, but there is no law. It is good for young people to work for their community, but again no law. It would be overly cynical to remark that sending children to school can be regulated more easily than manners or community involvement or respect for parents. For one thing, attending school and receiving an education are not identical. The legitimate reasons for mandatory education are essentially three: truth, justice and cultural continuity. Children should be educated because we believe in the general broadening of knowledge and truth — it is a central good, not just one among many. All children should be educated both as a matter of justice and to understand justice; so much in our society depends on education that it is unfair to allow even the parent to deprive the child of that opportunity. Children should be educated because our society is so complex, and the division of labor so highly structured, that it is necessary for our children to be educated to fulfil their role as future citizens.

In asserting these three legitimate reasons why education should be mandatory, I am not denying the validity of other philosophical justifications for education. To Dewey, education serves the purpose of developing children, and only those experiences that hinder future growth are seen as miseducative. The development itself becomes the end. Now it can of course be argued that education should be mandatory precisely because such development is a universal good and should therefore be universally applied. This is not the end of that particular argument. I shall return to the question of the value of education as a private good, for individual self-fulfilment. But, in this context, I am assuming that education is mandatory for some combination of the three reasons I have presented. Dewey himself acknowledged the importance of the individual's social role, and the social relevance of education. Whatever one thinks of the claims of personal development as a goal of education, it cannot stand alone as the reason why the public universally accepts education as mandatory. It is mandatory because certain types of development are desirable — for the development of truth, for social justice and for cultural continuity.

These arguments, it will be noted, apply to children — to those who are not fully fledged citizens and on whose behalf decisions are legitimately made by parents and by government. Implicit in this assumption is the idea that the state has the authority to override the wishes of parents. Parents may not choose *not* to educate their children. I have already suggested that the idea of education as a good implies the underdesirability of miseducation. So I am assuming further that not only should parents not be permitted to fail to educate their children; they should not be permitted to miseducate their children. It would be perverse indeed to argue that education is mandatory because it is an overwhelming, unquestioned good and at the same time that parents have the right to miseducate their children, i.e. to pervert that good in a deliberate fashion. None of this helps us define exactly what is *good education* and what is *miseducation,* but it does demonstrate that mandatory education makes sense, to the general public, only if it refers to *good education* rather than miseducation. Education is a good, and education is mandatory because the public believes it is good.

### Public Funding and Public Provision

A third assumption is that elementary and secondary education should be paid for from public funds. It must be noted that public funding is not a necessary consequence of mandatory education, and mandatory education is not a necessary consequence of public funding. Many things are mandatory without their being publicly funded. Parents must provide, by law, material support for their children, but funds for that support, in the form of social welfare, are only provided by default. Indeed, there is some sense of opprobrium attached to being dependent on the state for the welfare of one's children, while there is no comparable shame in being dependent on the state for their education. Similarly, many things are publicly funded without being mandatory. Medical care is generally publicly funded in Canada, but is only made compulsory for children in extremis. Adults are not compelled to use medical services. Libraries and parks are publicly funded — but their use is optional. Many developing countries pay for education which is neither compulsory nor universally available.

A distinction is often drawn between such services as defence, policing and fire protection and services such as health care, transport and education. It is normally impossible for an individual to avoid being defended and policed. The fire brigade will put out the fire in a house without the homeowner's request, even against the owner's wishes (who might prefer the insurance).

These services are provided by the will of the majority in a democracy. They are universal and individuals can no more avoid the use of the services than they can avoid taxation to pay for them. However, in general, it is possible for individuals not to use health services, schools and public transport. The argument for public funding (through universal taxation) is therefore less compelling than in the case of the first group of services. One cannot argue reasonably that one does not want to use the defence and police services and that therefore one should not pay for them. But one can (and some do) avoid health services by not going to the doctor when sick; and one can avoid educational services by educating children at home or paying for their private education.

The argument for public funding cannot therefore be based on the mandatory nature of education. No more can public funding be justified by use of a direct analogy with public funding of defence.

To justify the assumption of public funding, we must join three arguments together. First, education is a good (for the growth of truth, for social justice and for cultural continuity). Further, this good is so powerful that education should be mandatory. Finally, that good is either so necessary or so desirable for society's welfare that public funding is justified.

The rationale for the assumption that education should be publicly funded seems to be reasonably, if not perfectly, clear. Education is a powerful personal good of which no child should be deprived; further, and more importantly, society itself benefits from having an educated citizenry. In this, education is a unique public service. But the step from public funding to public operation is no longer, if it ever was, axiomatic. Many explanations can be and have been advanced for the prevalence of public operation of education. The major explanations appear to be the following:

> 1) In most of the western world, including Canada, education became compulsory during the late nineteenth and early twentieth centuries. It is not at all clear, even today, that mass private operation was a viable alternative. The first reference to what we now call the voucher system (although it can be argued that John Stuart Mill foresaw it) dates from 1929[1]. By that time education was universally compulsory in the English speaking democratic world. The debate about compulsory education was about whether it should be compulsory, and, if it should, how much of it should be compulsory. It was assumed that compulsion meant not just public funding but public operation.
>
> 2) Some of the arguments for compulsory, publicly funded education appear to be highly compatible with public operation: a) all children should learn the same basic things; there should be a common education, at least a core curriculum; b) all children should have an equal opportunity to obtain different kinds of secondary education and should have an equal opportunity to prepare themselves; c) an advanced, industrial society requires a highly educated population, for the maintenance of its complex, democratic political frameworks, for the continuity of its civilization and for the satisfactory fulfilment of the varied tasks necessary where there is sophisticated division of labor.
>
> 3) Revisionist, usually Marxist, historians argue that the real reasons for the establishment of mass education were: a) basic training was necessary for future workers; b) workers must be trained to be docile and obedient; c) the class structure of schooling replicates the class structure of the capitalist society, with children being educated according to their social origin as a preparation for the corresponding future social role.

Those explanations are not compelling arguments why public operation should continue; indeed, the first and last are quite weak. The second explanation is crucial for our current circumstance. Is equal opportunity an important and feasible goal, and, if so, is it dependent on a common education? Must a high level of education for the general public imply publicly operated education? Rather glibly, one might comment that if the answer to those questions is generally yes, then there would seem to be no reason for the existence of private, alternative schools at all. And if the answer is no, there would seem to be no reason for public operation of education at all, except as a last resort in the same way that society provides for the physical welfare of children whose parents manifestly fall short of their obligations.

It can be seen then that we have reached the nub of the question that this paper sets out to address. For the purposes of this paper, I am assuming:

> i) that education is a good, provided that it meets some fairly general criteria on which there may not be complete agreement;
>
> ii) that education should be mandatory for all young people, provided that it is not miseducation; and
>
> iii) that education should be publicly funded.

Those three assumptions leave two significant and closely related questions unanswered:

> a) If education is a good that must be both mandatory and publicly funded, must it be publicly provided, i.e. must the state pro-

vide schooling in the form of publicly operated schools? and

b) if miseducation is not what we have in mind as a mandatory good to be publicly funded, where do we draw the line between education and miseducation?

If one accepts the most compelling argument for a common, publicly operated educational system — that there should be equality of educational opportunity — one is led to a single provincial system without private alternatives. The heart of the matter is then: If elementary and secondary education is good, mandatory and publicly funded what, if any, should be the nature of public and/or private involvement in its operation? Two aspects are examined before I turn to the range of options for public involvement:

1) philosophical viewpoints on the purposes of education and

2) value positions with respect to the administration of educational provision.

## Chapter Two

# PHILOSOPHICAL BACKGROUND TO THE PROVISION OF EDUCATION

In Chapter One, I explained certain assumptions that underlie this paper: that education is a good; that education should be mandatory; and that education should be publicly funded. The critical question of whether or not schools should be publicly operated was left open. The main purpose of this essay is to outline sets of values that may be related to different ways in which education can be provided. But, underlying those values are deeper philosophical concerns.

The purpose here is not to provide a conceptual map of the great philosophies. Rather, the issue being addressed is the philosophical framework underlying the values and options open to Ontario in 1984. The philosophical outlines will be linked to value sets, and the value sets will in turn be linked to options in school operation. The connections among the three categories — philosophical viewpoints, values and options for educational arrangements — may be read either way. The three categories shown in Appendix II were developed simultaneously.

The five central philosophical positions which are relevant to the issue at hand are: the classical/Judaeo-Christian group; the Rousseau derived groups; progressive, Deweyan pragmatism; utilitarianism and subjectivist existentialism.

### I. Classicism, Judaism and Christianity — Traditionalism in Education

What differentiates this group from the others is a belief in an absolute — either God, the good or some compilation of virtues. Traditionalism at its core is concerned with a set of values with which life itself, and most certainly the education of children, should be concerned. All traditionalists will not agree on exactly which are the fundamental virtues, but few will dissent from the Aristotelian set of truth, justice, courage and friendship. Major contributions from the Judaeo-Christian heritage are humility and compassion. Traditionalists see these virtues as being unifying rather than competing. Above all, traditionalist education is concerned with the development of character. Not all contemporary Christians and Jews will adhere to this brand of philosophy, particularly when it is applied to education. Many mainstream Protestants, reform Jews and liberal Catholics believe in a rather remote and impersonal God whose actions, wishes and prohibitions are equally uninhibiting. Such a belief has no automatic implication for educational values or operation. Such people can and do readily adhere to one of the other philosophical groupings. Today, the main lines of thought supporting absolutist ideas are to be found principally among neo-Classicists, traditional Catholics, Orthodox and Conservative Jews and such strict Protestant groups as evangelical Baptists, Mennonites and those seen as belonging to the evangelical "moral majority."

There are major differences among traditionalists. The education promulgated by a neo-Classicist[2], based, on the idea of inducting children into the path of the good life, reflected in the virtues of truth, courage, justice and friendship, is different from that demanded by Renaissance International. Despite the differences, there are commonalities.

For traditionalists, education is centrally about an external good; education is something that is, to a very large degree, imposed from outside. If there are some things that are true, some virtues that cannot be seriously qualified, then they cannot be ignored in school; on the contrary, they must be taught or, at least, reinforced, certainly not undermined.

Jacques Maritain[3], a Catholic philosopher, states that there are five dispositions to be fostered in children in school: love of trust; love of good and justice; "a good animal" — one that is open to existence; work; and cooperation.

If education is concerned, centrally if not entirely, with an external good, clearly education cannot be primarily concerned with personal development, with self-fulfilment, with personal growth. It is not that traditionalists disapprove of development or fulfilment or growth, it is just that the type of development and fulfilment and growth that is to be nurtured must always be specified and limited. It is not a question of checking a few excessive outbursts, it is a question of the major lines of growth and development being determined in advance. In this respect, traditionalist philosophy is set apart from all the others. Either there is some external good which determines the nature of education, or there is not. There can be no compromise.

The case for traditional education is that it provides for cultural continuity; it provides a backdrop of meaning and purpose to all our lives, particularly to lives of children and adolescents who are seeking, testing and questioning as they form their characters. Traditionalists argue that the basic virtues are accepted de facto by most citizens: They are part of our cultural baggage. It is more arbitrary, they assert, to suggest there are no firm values, when our own beliefs and culture suggest the contrary, than to affirm traditional wisdom. Traditionalists have no objection to many of the other accepted purposes of modern education.

The implication for the operation of education is, at first sight, that a common education should be provided for all, preferably by the state or, alternatively, by some other agency. A difficulty arises in interpreting different strands of traditionalism. Orthodox Jews and evangelical Baptists are unlikely to accept the same education for their children. In Saudi Arabia, Israel and in Mississippi, the majorities might incline towards legislating some cultural adherence to their views, but in Canada, where several strands of traditionalism coexist, the degree and level of adherence would undoubtedly be muted. Ontario's Education Act, in section 235, speaks of the teacher's duty to "inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance, and all other virtues." In practice, this section has fallen into disuse within an educational system where traditionalism is no longer dominant.

As traditionalists lose their dominance they are faced with two dilemmas. First, there are among them extreme forms for whom no traditionalist, let alone modernist, consensus is likely to prove satisfactory. Second, even mainstream traditionalists have found themselves overwhelmed in an educational world where their views are no longer strongly supported, in the media and even in many churches. They are therefore increasingly inclined to look for some educational alternative to the public school which they see as no longer reflecting a central traditional compromise.

The case against traditional education stems from these two dilemmas. If the Orthodox Jews are right in their educational specifications, then the Mennonites cannot be. And it appears inconsistent for traditionalists to demand the right to impose an appropriate education on minorities when they form the majority, and, later, for them to demand a place for their own beliefs when power passes to the secular humanists. As Ontario becomes increasingly characterized by cultural pluralism it becomes increasingly inappropriate, traditionalism's critics argue, to impose a single traditional, cultural hegemony upon them. Society's values are constantly in flux — Toronto in 1984 is not strongly redolent of sobriety, frugality and purity.

A second criticism made of traditionalism is that it is ultimately dependent on indoctrination. Traditionalists have a doctrine — and traditionalist education is unsuccessful if that doctrine is not successfully inculcated in the young. There can only be one absolute value, claim the critics. If education is a search for truth, the path to virtue should not be defined in advance.

## II. Rousseau — Unfettered Choice and Individual Development

The philosophical ideas developed by Rousseau[4] are the converse of traditionalism. Implicit in traditionalism is a sense of evil or sin — the duality of good and bad. The imposition of the good is required because there is much that is bad abroad in the land and it will grow, spread and fester if it is not overcome and subdued. Rousseau proposed an education for Emile based on natural development. Nature, and human beings, are naturally good. Children's upbringing should be based on their free behavior, but within a carefully controlled and rich environment.

It is not possible to point to a clearly formed contemporary constituency espousing such views. The ideas are included more as a philosophical and intellectual counterpoint to traditionalism than as a coherent set that could underlie a provincial system of education.

Rousseau's ideas have helped pave the way to two completely different philosophical approaches to education. The seed of these two variants can be readily identified, with the advantage of hindsight, in Rousseau's prescription for the education of the mythical Emile. On the one hand, Rousseau emphasizes everything that is natural, gives Emile free choice of activities. Latter day libertarians approve. On the other hand, the "natural" environment is carefully selected to provide the most favorable conditions of growth. Temperate France is chosen as the site for his education rather than a tropical or arctic region, as those regions would adversely affect Emile's intellectual development. Even a potential spouse is carefully selected. This emphasis on the structuring of a favorable environment foreshadows the totalitarian environment of contemporary Communist countries. Emile would not need to frequent singles bars, as his father had placed a highly suitable mate in his selected environment; workers in the Eastern bloc do not need "free" trade unions as their working environments are designed by a paternalist state. In addition to these two rather extreme variants, Deweyan pragimatism and the progressive movement owe much to Rousseau and the associated ideas developed further by such educators as Comenius and Froebel. That branch is considered separately.

There is no need to dwell on the case for extreme libertarian ideas about education. The assumption has already been made that education should be both mandatory and publicly supported. A Communist authoritarian form of public education assumes an authoritarian state which very few Ontarians desire. We would be talking then not of choosing an education system but of revolutionary societal change. That possibility is not being addressed in this paper.

A more moderate educational prescription for young children, based on Rousseau's ideas, is to be found in Laurier LaPierre's report *To Herald a Child.*[5] However, even this more moderate prescription is extreme by contemporary standards and illustrates the difficulty of making Rousseau's ideas a general practice. The central difficulty of libertarianism in education is the question of whose liberty one has in mind: the parents' or the child's. And if the parents', which particular parent's. LaPierre comes down firmly on the side of the child. "Parents do not have the right to abuse their children physically or to deprive them of medical care, shelter, food and clothing, to prohibit the reading of books or the watching of television as a matter of principle, to prevent their offspring learning about sex and drugs, and to limit their children's experiences or their acquisition of knowledge."[6] To enforce this children's bill of rights, it should be a criminal offence for any adult to "abuse a child physically, spiritually, sexually or psychologically."[7] Set against this, the United Nations' Bill of Rights, to which Canada is a signatory, gives parents the right to determine their children's education.

The case for education based primarily on the wishes of children is that children will learn most easily and most successfully when they choose the subject matter, the time and the methodology. We work best, it is said, by intrinsic motivation. Imposition from without creates hostility, superficial compliance and a work-to-rule mentality.

The implications for educational provision are not entirely clear. At one extreme, some libertarians would like education left entirely to parents. At the other extreme, Marxist countries provide a single state system, to which a private alternative is forbidden. LaPierre argues that his prescriptions would make private schools unnecessary. He prescribes 75% funding for private schools, but would only permit them to operate in the performance of a role that cannot be carried out by the public or separate school systems.[8] As LaPierre would not allow the "proliferation" of private schools, one assumes that the children's rights previously listed would override any "right" parents might have to determine the education of their children.

The case against Rousseau is based on the fundamental contradiction that allows his ideas to be used by both libertarians and totalitarians. If we mean by freedom for children, a lack of adult interference in their lives, then presumably virtually all action, with the possible exception of that leading to direct physical harm, should be allowed them. But Rousseau and LaPierre plan to structure the environment to make some kinds of behavior more likely than others. LaPierre, for example, would have television sets in every classroom controlled, presumably democratically, by the children. If we mean by freedom, the ability to choose one's course of actions from an array of options developed by an intelligent appreciation of the situation, then adults will accept the responsibility to provide the background education which will in turn provide such intelligent appreciation. Once the decision is made to structure children's environment in such a way that certain outcomes may be achieved, the choice of type of structure becomes one of convenience, effectiveness and cost more than one of fundamental principle. Simply, freedom for parents means restraints on children; freedom for children begs the question of who will provide the environment in which they are nominally free.

## III. Pragmatism — Dewey and the Progressive Movement

Dewey accepted and codified much of the inheritance from Rousseau. Like Rousseau, he rejected external verities.

> "To imposition from above is opposed expression and cultivation of individuality; to external discipline is opposed free activity; to learning from texts and teachers, learning through experience; to acquisition of isolated skills and techniques by drill, is opposed acquisition of them as means of attaining ends which make direct vital appeal; to preparation for a more or less remote future is opposed making the most of the opportunities of present life; to static aims and materials is opposed acquaintance with a changing world."[9]

Dewey, however, besides providing the background for contemporary progressivism, made two specific additions to the then existing holistic ideology. First, he situated educational questions within the scientific context of the problematic. Thus, he responds to the traditionalist criticism of progressive education, that it provides no underlying reason why one course of action should be preferred to another, by arguing that the problem facing one is itself the source of subsequent action. Only by addressing real problems and ignoring non-problems can education be advanced. Problem-solving skills must be addressed within a dispassionate, scientific framework. Second, he acknowledged the force of the social environment. He recognized social pressures as causes of our behavior and of our problems, whereas Rousseau seemed to imply we would set up a new society unaffected by the old, all the time unaware that his own prescriptions were based securely in eighteenth century France. Beyond that, Dewey saw that education must be in and of the society in which it takes place. Perhaps this contribution was less original than the first but the coherence with which he addressed the issue has had considerable influence on education in the English speaking world.

The case for a Deweyan education, based on children's everyday life experiences, is that learning that is integrated in the everyday life experiences of the pupil is more likely to be seen as being valuable and relevant. Education, instead of stemming from external specifications, becomes self-sustaining, with children advancing at different speeds in different directions depending on their individual interests and varied abilities. Dewey then integrates the worldliness of a practical education with the spontaneity of an ongoing search for knowledge that characterizes self-directed learning.

The precise place of public and private education implied by Deweyan pragmatism is not entirely clear. Holistic learning for all children certainly implies publicly supported education. The need for integration of experiences and integration of school with life outside the school also appears to imply a heterogeneous social environment; the school life of students in Upper Canada College is less full of relevant experience, in the Deweyan sense, than is that of a small town high school serving youngsters from a variety of backgrounds.

The case against Deweyan progressivism is that the thrust for relevance, integration and experience is often antithetical to a thrust for excellence. If children learn in their own way at their own pace, many will inevitably learn little and slowly. More fundamentally, the idea that educational questions should be allowed to arise spontaneously as problems implies the rejection of fundamental, ongoing truths which require constant nurturing if they are not to be lost in a complex, hedonistic society. Dewey speaks little of excellence, virtue, truth; a major criticism of contemporary education at all levels is that it has cultivated an embrace of mediocrity — mediocrity in academic achievement, in the arts, in the trades and, not least, in morality. A case can be made that it is the Deweyan inheritance that keeps the mediocrity of progressivism alive.

## IV. Utilitarianism — Education with Positive Consequences

Utilitarianism, in one of its many forms, underlies most of contemporary education and much contemporary thought, including this paper — whose author would be quick to forswear utilitarianism. It stems from Hume, Locke, Bentham and, particularly, John Stuart Mill. It is concerned with the consequences of human action, that act being best which provides the greatest good for the greatest number.

An examination of the industry of education in the world today would suggest that utilitarianism is its mainspring. Education is valued by users (and their parents) chiefly for its material purposes — the jobs, the income, the social status, the prestige it will bring. It can be argued the world needs education for its own sake and that pursuit of truth can be a genuine utilitarian activity — not just because scientific discovery may provide a better hamburger but because the search is intrinsically enjoyable and valuable. Perhaps so; but worldly materialism is inarguably utilitarian and is inextricably intertwined with massive increases in enrolment in educational institutions all over the world, in Russia, in China, in Japan, in Africa, as well as in the capitalist west.

The case for utilitarianism is that it reduces all educational matters to an empirical base; there is no advance acceptance of a set of virtues and no a priori belief in the goodness of unfettered development. It seems to be particularly compatible with individualistic democracies in which each individual is allocated rights and freedoms. The common good stems not from an inherited, ongoing culture with honored traditions. Instead, it is determined from year to year, even day to day, according to the fluctuations of anticipated effects and popular opinion. Education then is what makes most sense at the particular moment in time. There are no ultimate truths and values; only those which appear to be useful to the majority of the population, without being damaging to minorities whose good must also be considered.

At first sight, utilitarianism would appear to be highly compatible with mass education provided by the state. Publicly elected officials can interpret a mandate provided by the people and ensure that all their children are given the education seen as most useful at the time.

But Mary Warnock notes that John Stuart Mill, the most famous proponent of utilitarianism, was highly sceptical of state education. "A general State education is a mere contrivance for molding people to be exactly like one another: and as the mold in which it casts them is that which pleases the predominant power in the government, whether this be a monarch, a priesthood, an aristocracy or the majority of an existing generation; in proportion as it is efficent and successful it establishes a despotism over the mind, leading by natural tendency to one over the body."[10] Yet Mill supported compulsory education. Education should be required but not operated by the state. Mill's views would not be inconsistent with what we now describe as a voucher system.

The case against utilitarianism is that it is a sophisticated structure based on sand; if there are no ultimate truths, no god, no virtue, why should not the powerful exercise their power purely in their own best interest? Why is enlightened self-interest better than unenlightened self-interest? Ideas about education, professed "needs", rationalized policies, all reduce to mere personal preferences. Once all is reduced to personal pleasure, morality and virtue are eliminated except insofar as they please the rulers. According to utilitarianism, we should be educating our children to capitalize best on their own potential self-interest, to cooperate where cooperation will produce a return and to have concern for public morality only insofar as it is required for survival. Public support for education can only be ultimately justified, by the utilitarian ethic, if it is in the interest of those with the power to decide what is in the best interests of most people.

## V. Subjectivist Existentialism

Existentialism begins and perhaps ends with being. If rationalists argue, "I think, therefore I am," existentialists assert, "I am, so perhaps I may think." Traditionalists develop their ideas from firm values. Rousseau believed in the goodness of man that could be liberated by unfettered development. Existentialists begin with nothing save the meaninglessness of existence.

It can be argued that nothing at all follows for education from the embrace of existentialism. If our starting point is our own personal existence and our awareness of others, then a society can come to no overall consensus about how that existence and awareness should be used. While traditionalists argue that our culture and heritage compel us to draw moral conclusions from existential statements (e.g. because that person is a teacher, she *should* set a good moral example to her pupils), existentialists join with utilitarians in arguing that values cannot be derived from factual assertions.

Yet, a prominent contemporary writer on existentialism in education argues that existentialism implies that education should be concerned with the avoidance of the "escape from freedom."[11] That is to say, our existentialist truth is choice; therefore as freedom is the centrality of our existence, the education of our young should always encourage individual freedom rather than constraint. Such an argument is far from being self-evident. The converse appears equally valid: If freedom is all we have and all there is, it makes little difference what we, as consciously dying animals, do as we await death.

Morris argues "that society is authentic in the degree to which it summons the citizen to stand by himself, for himself, in shaping the direction of his life, and therefore the meaning of his existence. That society is authentic which never achieves a 'national purpose,' which is, in fact, uninterested in achieving one, but interested only in being the host to individual purposes in its citizens."[12]

Morris is stretching the plausibility of existentialism in suggesting that "society" *ought* to be interested in anything; being host to individual purposes sounds very much like an alternative form of "national purpose." On the one hand, pure existentialist nihilism provides no educational prescription — indeed it is the nemesis of education. On the other hand, Morris's more moderate brand brings us closer to the libertarian branch of philosophy with which Rousseau's ideas are not inconsistent. A distinction can be made, perhaps, between Rousseau's emphasis on growth and development — which was followed by Deweyan pragmatism and Piagetian psychology — and Nietzsche's emphasis on human will, which is more consistent with Morris's view of the importance of freedom of choice.

The case for existentialist education is, at bottom, a negative one. There can be no final, empirical proof of God, or good or virtue; in which case, life is without absolute meaning. Meaning must therefore be constructed from the only starting points we have — the fact of our being and our freedom and the fact of our imminent death. Education should be concerned with augmenting children's freedom of action so they may best express their being.

The implications for educational provision are ambiguous. Nihilism would contradict the conclusion reached in the previous paragraph; if life is meaningless we should hardly bother to erect a complex educational structure based implausibly on there being some desirable meaning or purpose. More moderately, it could be argued that state supported mandatory education under the control of individual parents, with a voucher system, would be consistent with an attempt to enhance children's chances of developing their individual freedom, unconstrained by any formalized sense of coherent national purpose.

The case against an existentialist education is that it violates our sense that there is right and wrong, that there is purpose in life and that freedom is not the ultimate value. Freedom is an important value because it allows us to choose the right way, but it is no more synonymous with the right way than action is with right action. Freedom allows us to lie, maim and kill just as it allows us to search for truth, beauty and justice. Education bent on nothing more than the development of freedom is the education of an animal rather than that of an aware human being who knows right from wrong, honor from dishonor, loyalty from treachery, truth from falsehood, moderation from licence and justice from inequity.

### Philosophy and Educational Provision

This synopsis illustrates how difficult it is to reach a decision on school operation by defining philosophical differences. In-depth probing of Ontarians to find which philosophical standpoint is most strongly supported will not lead directly to the selection of a particular form of schooling.

Traditionalists may well choose a single system supported and provided by the province. They may be joined by some utilitarians, many pragmatists and most Marxists. The problem with such a happy consensus is that the *single system* each has in mind is very different. Even among traditionalists, there would be differences about the place of God, Christianity and its various interpretations and such issues as pre-marital sex and abortion within the single common curriculum. Except among libertarians and existentialists, who are few in number, support for (or antagonism to) the public system will depend very much on what the public system represents.

That does not mean that fundamental philosophical ideas are irrelevant to the practical issue of public and private schooling. The synopsis does illustrate that there is no simple clash of minds between one position supporting a single best system and, another, supporting choice. Different philosophies do, in some cases, lead to different types of operation. But, equally important, a single philosophy may lead to different provisions depending on what the single best system actually looks like. The question of funding private schools is not simply a matter of whether or not we believe in freedom of choice in some abstract way, although some do. Most of us tend to believe in choice if the single system is not what we want. Thus what we want, and what the public system represents are central issues.

I have tried to present the different ideas in an objective light. That I do not consider all the views equally valid will be obvious enough to all who know me and my educational writing. More important, I would not wish to give the impression that all these philosophies are equally represented in Ontario. Ontarians fall predominantly into three groups — traditionalists, generally seen as being on the conservative right; utilitarians, falling in the centre, and pragmatists (or progressives), falling on the left — other views will be vociferously defended but they tend to be those of small minorities.

Broad philosophical statements help us understand the problem, but they do not bring us directly to a solution. It is sensible then to narrow the points of observation, to focus on values which most clearly differentiate Ontarians with respect to educational provision. In the meantime, we must bear in mind that Ontarians do differ very greatly on basic educational philosophy and that compulsory education in a philosophy not of one's choosing is unlikely to be accepted with rapture.

### Chapter Three

# VALUES AND EDUCATIONAL OPERATION

I have suggested that there is a wide spectrum of educational philosophies within Ontario, but these philosophies do not lead very directly to particular types of educational operation. It is worth turning then to values that are likely to be more directly related to the optional forms of educational provision.

In trying to reach a closer match between values and options for educational provision, I have selected two sets of values. The first is selected on the criterion of conceptual relevance. The arena of public and private schooling, and educational options within either context, is one where the assertion of rights, public, parental and children's, is contested. Values are first analysed in terms of those competing rights. The second set of values is selected on the basis of political policy-making relevance. Political arguments for and against private schools are made on the basis of the values of equality of educational opportunity; social homogeneity or heterogeneity; a common curricular experience; the enhancement or diminution of individual differences, and the encouragement of educational excellence.

## The Rights of the Parent, the State and the Child

At the risk of undermining much of the discussion that follows, I must begin with a caveat. It must be repeatedly emphasized that those who believe in the state's right to impose an education on every child are not normally willing to embrace any education that any state may actually choose to promulgate. Liberal rationalists objected to the Catholic hegemony of French education in the Province of Quebec. They, in turn, now that education in that province has been largely secularized de facto (but not yet de jure) are loth to consider the objections of those who, in turn, reject secular humanism. Traditionalists in this country are eager enough to embrace an education that inculcates the basic traditional values; but they fiercely oppose any tendencies towards the inculcation of relativism — and would do so even if a majority government decided to do so by formal act of parliament. This inconsistency may seem irrational, selfish — a desire to have it both ways. But it is surely explicable. If some things are right and good and just, a will to share what is right and good and just is understandable. Even if the majority wants wrongdoing, evil and injustice, it is understandable others would wish to oppose them.

Thus, the question of rights is a second order question — because the rights the province legislates will depend on the situation. If Catholics decided that a common school system based on fundamental values would be satisfactory for them, and if such a system were adopted, then constitutional rights to basic Catholic education would be redundant. In Britain, where Catholics are a small minority and where the tradition of Catholic education is less strong, such a situation is not inconceivable. In Ontario, as in France, where recent government proposals to fold publicly funded Catholic schools into the public system were vehemently opposed and withdrawn, the historical context makes such a decision impossible. Nevertheless, the point illustrates that rights are embedded in the social context and are not inalienable in any meaningful sense. That does not stop an individual believing that certain rights ought to be inalienable. Indeed, this paper is based on assumptions which carry with them the establishment of certain rights, e.g. the right of every child to receive publicly supported elementary and secondary education.

### *a) Education as a Private Good*

Those who hold this view see individual adult citizens as being the primary unit and the family groups they form the secondary unit. Government is merely a matter of convenience, whereby individuals and families join together for joint services — for protection against internal and external enemies, for protection against fire, for the construction of roads and, perhaps, for the maintenance of health services. The individual is seen as having a social contract with the state. Individuals give up part of the freedom which is rightfully theirs in turn for specific services they desire.

It can be argued that nothing prevents individuals from coming together to choose a single provincial system of education, just as individuals choose a single police force and not sets of competing protection agencies. The point is valid insofar as there is nothing in logic to prevent individuals from so doing; but, in fact, they all do not. Whereas there is probably not a single citizen who objects to our having a police force, there are numerous citizens who would object very strenuously if their children were to be confined to a single provincial system of education. Indeed, the time may come very soon when more pupils are being educated in Ontario outside the public, secular system than are being educated within it. Of these, a sizeable minority (approximately 5% of the total school population) actually pays for private education in addition to the public education supported through taxation.

A strongly individualistic position implies that parents have a prior right to determine the education of their children. The United Nations' Declaration of Human Rights, to which Canada is a signatory, appears to support this individualistic notion quite directly. Therefore, if we assume that education should be compulsory and publicly supported, and if we accept the prior right of parents to select the appropriate education for their children, there are only two suitable arrangements of educational provision. Most simply, the province should provide a provincial insurance scheme similar to the OHIP provision for medical care. Parents would be obligated to assure the education of their children, but they would be reimbursed by the province according to laid down conditions and scales. Alternatively, a single umbrella organization could operate schools of various types according to the popular demand. Analogously, we have public hospitals, but individuals hire their own doctors to treat them within the public building.

Two objections may be raised to this line of argument. First, I may be accused of misinterpreting the rights of parents intended by the United Nations. Perhaps what they had in mind was more the right of parents collectively than the right of individual parents. By this account, schools should reflect the will of their local community rather than that of some remote bureaucracy. I do not consider this to be an argument of much substance. Suppose a Mormon family lives within a secularist, humanist community. Is the education of the Mormon family to be determined by the community consensus, or not? If it is, then obviously education is not seen as a private good, determined by parents, but as a community good. Indeed, it is difficult to differentiate between a local community and an Ontario school board, or, for that matter, the Province of Ontario, in a discussion of *individual* rights. If parents have a right to determine the education of their child, then it is not a matter of great consequence whether the right is abrogated by the Province, the school board or the community. That is not to conclude that my initial interpretation of the United Nations' charter is the correct one. But, if the declaration is ambiguous, it is because it is not clear whether education is the responsibility of the child's parents or parents in general by means of some collective, democratic process. It would be difficult to claim that the declaration shows preference for one kind of collectivity over another.

The second objection is more substantial. If, one may argue, we are concerned with individual rights, why should society defer to the rights of the parent rather than to those of the child? Even if parents must act on behalf of very young children, should their rights not give way very quickly to the rights of the children themselves? Suppose, for example, a child of fourteen of humanist parents wants a Catholic education. Who intervenes for the child? If a ten-year-old child runs away from a school which is inculcating a doctrine quite incompatible with that promulgated in the Provincial schools, should the Province be obliged to ensure that the child complies with the parents' wishes? I shall not pursue this objection much further. It is one of the most difficult of issues because the child's wishes must always be interpreted and supported by adults — either parents or agents of the state. However, the problem illustrates why advocates of individual rights are sometime willing to see limits placed on the rights of parents over their children. In practice, it is difficult to enforce parental rights once children become potentially self-supporting — say, aged fifteen to sixteen.

### *b) Education for the good of the state*

An alternative to education as a private good is education for the good of the state. This would appear to be the principle behind education in Marxist totalitarian states.

In this case, parents are seen as members of the larger community. Just as the community has obligations to the individual — to provide shelter, food, good health, employment — so the individual has reciprocal obligations to the community — to support the community, to bring up children so they will be good contributing members of the community. By this view, there is no individualistic social contract. A contract implies voluntary action — the word is nonsense without volition. Yet the individual within a society cannot choose not to participate in that society. If a young person decides, at an extreme, to emigrate and leave the society altogether in order to avoid participation, that person is already indebted to the community for, say, sixteen years of food, shelter, education, love, socialization and protection. Thus society is not characterized by independent, dyadic, mutual contracts but by complex sets of interlocking obligations.

If this is so, then it would be folly indeed for a state to permit a system of formal education that would harm itself — the point made by the French sociologist Emile Durkheim many years ago. For the state to encourage several competing different systems would be for the state to acknowledge it did not know what it wanted. None of this means that every child should get the same education. The state needs secretaries, engineers, librarians and farmers; they may require differentiated education. But there is no necessity to set up different systems with quite different philosophies and goals.

Some may object to the use of totalitarian Communism as my example of education for the good of the state. I am not trying to imply "guilt by association"; I am not trying to smear the idea of education for the state. But, the Soviet system does appear to be the logical extreme of this set of values. Certainly, many besides Communists value education as a good for society. Traditionalists, for example, share the Communists' rejection of the social contract. To them, society is a growing, developing organism and education is a critical activity within that organism. But, traditional societies have had some totalitarian characteristics. In effect, compulsory education for and by the state is a totalitarian concept. Now, we can be totalitarian in education without being totalitarian in everything else, but we can be sure that private school supporters will attack any notion of totalitarianism. Their attack will be supported by many others who will simply argue that complete state operation is an attack on individual rights.

### c) Education as an Individual Good

If education is to be directed neither by parents nor by the state, it may perhaps be directed by children themselves. I have already discussed the difficulty of determining exactly when and where children's rights begin. Some will avoid the problem of direction of schools by children by asserting a right to full development. It is worth trying to determine what it would mean, in terms of school operation, to develop a system predicated on the child's right to full development.

Unfortunately, it does not help very much in a practical way for us to agree consensually that education should be for the good and full development of children. No one is going to argue that education should be for evil, or for stunted development. We soon revert to the essential problem: Who decides what full development is and the means by which it will be reached? And we are returned again to the conflict between parental and state primacy. If children's rights to fulfil themselves are asserted, there still remains the question as to who will mediate those rights. Who will act on behalf of the child-parent or state?

Nevertheless, if there were consensus on individual fulfilment as the prime goal of education, it would narrow the field of conflict. If either parent or state became prime mediator the other party should have recourse to question what the other did, always appealing to the authority of individual fulfilment. Unfortunately again, even that advance is a meagre one. A third party, an adult, will have to define the limits of fulfilment. In practice, neither parent nor state is likely to permit the development of children in ways quite antithetical to their values. In other words, in practice, fulfilment is likely to be defined in terms of the prevailing culture. In essence then, although there are three parties involved, the real issue reduces to one between parent and state. Both may sincerely believe they are acting on behalf of the child, and may in fact be doing so, but, the child is not going to be provided the fundamental right to direct personal fulfilment.

### d) Education as an external good

Traditionalists will feel completely comfortable with neither parental nor state rights. To assert that individual parents should have total control of their children's education is to accept that there is no ultimate good toward which we should all be contributing. That is anathema to traditionalists. But to assert that children belong to the state is equally unpalatable.

Utilitarians' beliefs are more flexible, but they too may be unwilling to concede that the greatest good can be achieved by opting for either of the two alternatives. Parental control may lead to ignorance and anti-social behavior, state control to state aggrandisement and totalitarianism.

Traditionalists in particular will argue that education is neither a private good nor a state good. No more is it for individual self-fulfilment. The good we seek in education, they claim, is transcendent — it is a good outside ourselves, outside our government and beyond individualistic fulfilment. (This is not to assert that it does not exist within ourselves or within our government, merely that its existence does not depend on individual will.) Whether we call the end good or God is, at this point, irrelevant. Education is for the good of society, not the state. It is to develop character in conformity with our notion of goodness, rather than skills for the service of the state. Quite simply, education is for good — not for parents, not for the state and certainly not for individualistic narcissism.

Education for some external sense of good or utility may perhaps be seen as being best operated by the state. It can articulate on behalf of society what is good and represent democratically a consensual set of utilities. Yet, government bureaucracies develop a hidden curriculum of goals and ideologies of their own — not least their dedication to their own importance and continuance. There is no guarantee that government, still less its bureaucracies, will be directed toward the good. Indeed, much of the current criticism of the public schools comes from traditionalists who claim that the schools are beset by secular humanism and have virtually abandoned any faith in the good. Thus provincial operation of education becomes a moot point for these people. The acceptance of provincial operation depends on the extent to which the provincial school system is seen as representing what is good. The greater the disparity in people's vision of and belief in good and the greater the disparity in people's recognization of public and separate schools as representing that good, the less the endorsement of provincial operation.

### e) The Private School Parent

Where do private school parents stand with respect to these values? Some obviously believe that education is a private good. The province should provide for the education of their children in accordance with their wishes just as it provides for the education of the children of the majority in accordance with its wishes. They recognize they are minorities, but believe their wishes should be respected.

A second group sends its children to private school by default. Members of this group are dissatisfied with the public and separate schools. They feel there should be some form of financial support for the education of their children. After all, they are sending their children to private schools reluctantly. If the province provided an appropriate kind of education they would be happy to send their children to public or separate schools.

There remains a third group that is not adequately represented in the value sets I have described. Many private school parents, and some others who are not connected with private schools, believe that parents should have the right to choose an alternative education. To them, financial support is not the central issue. Such people may believe education is a good, that it should be mandatory, that it should be publicly funded and that it should be publicly operated. They simply believe that the individual should have the right to refuse to be involved. The following is an analogy. It is possible to believe that the state should provide universal, free health care but that individuals should be allowed to decline the service and buy it privately. They are not demanding a universalistic voucher scheme — they are merely demanding the right not to participate.

Holders of this position may be accused of inconsistency. If they really believe in choice, why should not everybody, rich and poor alike have choice? If in fact they do believe in choice as a principle, I have already dealt with their position — they believe in education as a private good. It appears inconsistent to endorse education as a public good, but then demand that a certain class of citizens (those with money) be excluded from involvement in the public operation. After all, if their support of public operation is based only on utility, presumably they would support a viable voucher system. If, on the other hand, public education is good in itself, they would want their own children to share in that good.

How then can one justify the combination of public operation and private fee-paying alternatives except as a pragmatic compromise? How can one argue that the status quo satisfies some basic, consistent values?

The case for the combination of unfunded private and funded public schools would appear to be only indirectly related to conceptions of education and the prior rights of either parents or children. Private school parents in this third category are not asserting such rights as generalities. They are asserting a more general right not to be coerced by the state. They may approve, for example, of provincial parks. They still want the right to purchase extensive pieces of coastline, which may thereby indirectly deprive other members of the public of its use.

Further, they are asserting the right to choose their children's companions. As long as school choice is limited to such criteria as the goals and philosophies I have discussed, an important element of schooling is lost. This third category of parent asserts the right to choose a peer group of children like their own child. To them, such a peer group has intrinsic value. Their child will thereby not be exposed to values they oppose. The private school has extrinsic value in that connections made in school, and the cachet of attending a school of high prestige, will be useful in later life. In addition, the very act of paying fees increases the value of the service. Erickson looked at private schools in British Columbia before and after their receipt of government funds and concluded that parents and students both perceived a decline in the value of the education received after government funding began.[13]

Thus, for many, the values around the private school are not a direct outcome of clash between state and parent. They have more to do with the general rights of adults in a democratic society.

The problem with the right to a private education is that it differs from the right not to receive a state pension or a family allowance cheque. It differs from the right not to use the provincial park. Such choices hurt no one else. Even the right to a private doctor does not necessarily hurt anyone else. But the exercise of the right of private education necessarily hurts other children unless the perceptions of those who make the purchase of private education are entirely faulty. If the peer group within the private school does have the positive effects private school parents believe, the loss of that peer group is a disadvantage to those who do not make the choice. If the private school climate and cachet give better life chances, by definition the life chances of others are thereby reduced. If fee-paying does increase the quality of education, the inability and the unwillingness to pay fees reduce both the quality of education and the life chances of children attending publicly funded schools.

In exploring educational values, I am leading toward a discussion of different types of school operation. What kind of alternatives should be available and how should they be funded? Superficially, it first appears that the division is between state/society rights people — who believe in the one best system — and parent rights people, who believe in free choice of systems. But the more we delve into the values underlying this dichotomy the more complicated the question becomes. Most of those who believe in one best system cease to believe in it the moment it fails to represent them. Beyond that, my discussion of the third category of private school parents suggests that they would be among the strongest opponents of fully provincially funded free choice of schools. They want access to education to be dependent on money because money is what they have. Just as intelligent parents pass on their intelligence to their children both genetically and culturally, just as caring parents help their children by providing a loving, supportive environment, so wealthy parents want to help their children by purchasing superior educational environments. They may or may not want a helping financial hand from government, but what they want most of all is the freedom to use the influence of their money to help their children.

### Educational Policies and Educational Provision: A Selection of Issues

It would be impractical for me to attempt to examine all educational issues and their bearing on the public and private operation of schools. It still seems sensible to address some of the more central ones.

### *Equality of Educational Opportunity*

This ideal is defined in a number of different ways. Some define it in terms of equal chance of access to different educational programs. Others define it as meaning a common educational experience, on the grounds that the notion of "separate but equal" education was legally dismissed in the U.S.A. as unattainable. Yet others argue that opportunities can only be measured by results; if outcomes are different among groups (say blacks and whites, or men and women) then the opportunities must have been different. Despite this vagueness, to the general public, equality of educational opportunity remains an important value.

Generally speaking, regardless of the level of definition favored, the stronger one's belief in this value, the more likely one is to want state operation of schools with a minimum of alternatives. If everyone has the same education, at least schooling will not exaggerate the social differences children bring with them from home. Least compatible with equality of opportunity would be a public system side by side with a large private system whose accessibility is determined by ability to pay. The likely result of such a dichotomy would be schools for the rich and schools for the poor.

The significance (for equality of opportunity) of a voucher system with a cap on total school spending is more complex. On the one hand, it will be argued that any differentiation of education provides inequality. Some parents will be more adept at making choices than others and so will provide advantages to their children. On the other hand, it may be argued that parents are more likely to have their children's best interest at heart than are state bureaucracies. Some leftists (notably Robert Everhart)[14] endorse freedom of choice for precisely this reason. They argue that children of low social status are ill served by large bureaucratic school systems which discriminate, unintentionally perhaps, against them. Such children's parents will make choices and demands best suited to their own children. Quite recently, an education critic for Ontario's New Democratic Party endorsed the voucher system for such reasons.[15]

### *Societal Homogeneity or Heterogeneity*

A powerful argument for a single state system of education, with minimal exceptions, is that it is good for society if all members have had to live together in a common educational experience. Living together provides increased mutual understanding and tolerance. Nations require some common sense of purpose, sense of being and some common good. Their shared values should be augmented and celebrated rather than deemphasized. Furthermore, this value interacts with equality of educational opportunity. If all young people attend the same schools, there is an increased probability that their opportunities will be similar. In other words, social *homogeneity* is produced in *heterogeneous* common schools.

On the other hand, most western countries, including Canada, where Ontario is particularly affected, are experiencing increasing social heterogeneity. Ontario's population is much more varied by ethnicity than it was fifty years ago. The increasing ethnic mix has been reflected in federal and provincial multicultural policies, including the provision of heritage language classes. There is increasing pressure for local schools to reflect the variety of social groups represented in their particular school populations. The pressures towards recognition of social heterogeneity lead to variations among schools depending on their social mix. This conflicts with the idea that all schools should be color and language and culture blind.

Overall, the value of social heterogeneity within a school, which, it was hoped, would lead to an integrated if not homogeneous society, is less universally accepted than it once was. The movement toward explicit recognition of social differentiation has gained force in Ontario during the last decade. However, it is probably still true to state that the majority of Ontarians would prefer a strong public school system working for social homogeneity. Even so, as school districts and school catchment areas become more distinctive by social class and culture the idea of the local school being a cultural leveler becomes increasingly remote.

### *A Common Curricular Experience*

There is strong support for some common curricular experiences, even among supporters of private schools. Much of the instruction in private schools parallels that in the public schools, and they would soon lose support were it not so. At one extreme, some educators argue that all children should have the same curricular experiences to the end of high school. With a common education for twelve years, social homogeneity is further assured, cultural continuity is maintained and a further degree of equal opportunity provided. Research support for the idea is provided by the followers of Bloom's "mastery learning."[16] Bloom argues that schools could, if they adopted his ideas, narrow rather than broaden the variation in children's achievement levels. Thus, a common school curriculum could be used to provide a more equal level of outcomes among children from widely varying backgrounds.

Ontario has been moving, over the last decade, to a more common secondary school experience, by providing for more compulsory credits. Inconsistently, Ontario has shown little interest in adopting mastery learning methodologies. Indeed, the Province's emphasis on individualization and independent studies is the reverse of mastery learning and can be expected to provide more varied learning outcomes.

Even the extreme suggestion of a common elementary and secondary education using mastery learning techniques would merely postpone social selection to the post-secondary years. The variation in jobs, income and social prestige within our highly segmented society would remain. Thus the question reduces to one of when and how social differentiation should take place, not whether.

There would appear to be little point in encouraging the development of a variety of schools if all were to use identical curricula and identical instructional methodologies. However, if the Ministry were to confine its curricular documents to statements of objectives and content, schools would have some room to differentiate their offerings.

If the publicly operated schools continue to move further in the opposite direction, towards a more uniform curriculum taught by centrally mandated methodologies, (while providing a large range of individual outcomes), then private schools will be even more obviously the only alternative to a single pattern. Thus, unless the single curriculum is imposed on the private schools, the differentiation between those who attend public schools and those who attend private schools may become more marked, and enrolments in private schools may increase. It is arguable that left wing forces in Britain demanding greater homogenization within the public school sector have led, ironically, and unintentionally, to increased enrolments in and support for that country's very influential private sector.

### *The Enhancement or Diminution of Individual Differences*

It is becoming increasingly apparent that schools are not necessarily a black box into which children enter and from which must leave young adults carefully sorted according to their parents' social background. Bloom demonstrated that the organization of instruction can influence the degree to which children's differences in initial school readiness are enhanced or diminished. The more we individualize and cater to individual differences, the greater those differences are likely to become. The more we ensure that specific objectives are achieved by all, the less marked those initial differences seem.

Now, such instructional variations, about which research is still in a quite primitive state, are not directly related to public and private schooling. Mastery learning might, or might not, be used in public or private schools. Nevertheless, if our top educational priority were to diminish individual differences, we would place all children in state schools with heavy dependence on cooperative, mastery learning techniques.

Against that position, it will be argued that the most able and the most highly motivated will be held back as they work with the less able and that mediocrity will be the result. Further, if the social differentiation of the adult workforce remains the same, social distribution will still be carried out by schools, colleges and universities — based on finer academic distinctions and on other less easily measured qualities.

### *Educational Excellence*

Can we be equal and excellent too? This question has been debated at length by educational policymakers with no very firm conclusions. Advocates of private schools argue that their schools provide lighthouses of excellence towards which other schools can aspire. Upper Canada College, for example, has enviable academic results which may be more than a reflection of the enviable academic potential of the pupils it enrols. In a controversial research report, James Coleman argued that private schools in the U.S.A. do a better job than their public equivalents, even with student background characteristics held constant.[17]

The international achievement studies carried out in the late 60s and early 70s found that the academic performance of the top 9% of the age cohort in countries with highly selective school systems (e.g. France, West Germany, Britain) was about equal to that in countries with much less selective systems (e.g. U.S., Sweden).[18] Those who support mass, less differentiated, comprehensive education conclude that it is possible to have both quantity and quality without rigid streaming. Those who support greater academic selectivity conclude that it is possible to achieve just as good results with a much more efficient educational system. Instead of preparing large numbers of people for post-secondary academic work of whom only a few would actually participate in academic study, the selective systems succeeded in channelling the academically able to university while, at the same time, training others for jobs in the workforce.

It is difficult to generalize on this issue. Nevertheless, it is likely that Canadians would tend to believe that complete reliance on a single, universal provincial system would be unlikely to produce lighthouse schools of exceptional excellence. It is generally accepted that some private schools and some public schools have built up worthy reputations for excellence, with the help of a variety of selection mechanisms.

### **Conclusions**

Most of the arguments, whether they are based on fundamental rights or broader policy issues, lead to and support a dichotomy. The ideas of fundamental parental rights, social heterogeneity and multiculturalism, educational variety and educational excellence lead, with varying degrees of conceptual clarity, to parental choice — to an open voucher system. The ideas of state rights, equality of educational opportunity, a common curricular experience and social homogeneity lead, in general, to a single provincial system of education. Yet, the latter is clearly impractical in Ontario in 1984 and the former is almost as improbable. Two systems of education, public and Catholic, are constitutionally enshrined. The government plans to extend that constitutional right (or re-define the right) so that there will be a full, dual system of publicly funded education from kindergarten to the end of secondary school. Private schools have always existed and no one seriously advocates they will be legislated out of existence. Yet, the arguments for private schools based on ability to pay are probably less compelling than those for a more accessible system of alternatives. But there are many objections to a full voucher system, whereby every parent of a school-age child would receive a cheque worth, say, $2400 to be spend on that child's formal education in any school of the parent's choice.

The problem then is to identify compromise plans that will salvage as much as possible of the advantages of one alternative without losing all the benefits of the other. And this has to be achieved within a given political and legal framework.

Chapter Four

# OPTIONAL POLICIES FOR THE OPERATION OF PRIVATE, AND PUBLIC, EDUCATION IN ONTARIO

There are innumerable possible approaches to the problem of the operation of public and private schools. I generally avoid the elaboration of options that appear totally unfeasible in the Ontario context. However, I do include enough to illustrate the conceptual range of choices. All the models presented can be modified in various ways to moderate their effects, but the range developed covers the major conceptual and practical issues. I have not attempted to deal with detailed problems of administration, but I do recognize that some are more practical than others for political and economic reasons.

## The Ten Options

1. *A single provincial school system.*
This option implies one provincial system with little variation among schools. Private schools would be banned by legislation. Public and separate school boards would be combined and, in time, schools would be integrated into a common system. Within this model, there is room for varying degrees of local autonomy. This model is common, by law or in fact, in eastern and northern Europe.

2. *Status quo (with complete provincial funding of Catholic schools).*
Virtually no public funding is allowed for private schools and religions other than Roman Catholic are not provided public support for their schools. The public schools are nominally Judaeo-Christian, but in practice they tend to be humanist in orientation in the urban and suburban areas and Protestant in orientation in rural areas.

3. *Status quo plus provision of some services for approved private schools.*
Subsidies would be provided for school materials, transportation and, eventually perhaps, teachers' salaries but there would be no direct support to parents of private school children. This model would provide financial support for private schools in the least visible way.

4. *Status quo plus tax deductibility of school fees for parents with children in approved private schools.*
Within this model, there is the issue of whether Ontario would be able to persuade the federal government to allow federal deductibility. The assumption must be the more limited one of deductibility for provincial tax purposes only.

5. *Taxable grants.*
Such grants are made to parents with children in approved private schools. A major variant of this model, which I do not discuss, would be the provision of taxable grants only where children attend schools spending less than, say, $2500 per annum per pupil.

6. *Partial funding (say 75%) for pupils attending approved private schools.*
Alberta is in this category. Funds might be paid directly to schools or to parents, but the grants would not be taxable.

7. *Partial funding with cap on spending.*
The same partial funding as in Option #6 would be provided on the condition that total pupil spending not exceed, say, 105% of the spending for equivalent pupils in a public school.

8. *The associated schools model.*
Schools meeting certain requirements would be eligible for up to, say, 95% funding through their local school board. Their total budgets would be limited to a maximum of approximately 105% of that of the public schools in the area.

9. *A voucher system with a cap.*
This differs from Option #8 in that the funded private schools would operate entirely independently of the public systems.

10. *A full voucher system.*
All parents of students attending approved private schools would receive a voucher for the equivalent of their child's cost of education in a public school. This could be paid directly to parents, as a non-taxable grant, or directly to the schools.

### *1. A Single Provincial System.*

Under this plan, public and separate school boards would be amalgamated, but schools would remain, for a time, Catholic or public. Such a system is found in New Brunswick's urban centres and has worked well for many years. However, in Ontario, such an arrangement would be of doubtful constitutionality and would probably be unfeasible politically. One does not add to the powers of separate boards one year and amalgamate them with public boards the next.

Even so, the model is worth mentioning. As we have seen, many strongly held values lead directly to this system. Many non-Catholics and even some Catholics would, in different circumstances, if we were starting from scratch, support this model. The strength of this model explains the attachment to the status quo — and to the status quo before the government's decision to extend funding to the final grades in the Catholic schools. It is not that people have any great faith in the compelling logic of funding ten grades rather than twelve, and not that people want to fund Catholic but not Anglican schools. It is, in the main, if we leave aside the legitimate self-interest of employees in public school systems, a question of a strong belief in the one best system. Thus, while it is easy to answer that because we fund Catholic schools voluntarily, we should also fund all the other kinds of schools as a point of fairness and logic, we should remember that to many, one separate system is one too many.

If a single system is out of the question in the foreseeable future, it should not be impossible to pass permissive legislation that would encourage public and separate school boards to amalgamate by choice. There may well be some parts of the province where pupils are so sparse that joint school operation will appear to be a lesser evil. Shared schools would be another option. However, as a general solution, Option #1 is a non-starter. I have noted that there is no support in Ontario for the abolition of private schools.

### 2. *The Status Quo*

Despite the fact that the status quo is likely to be the closest thing we are likely to get to the one best system, it is unstable. The very fact the Commission for which this paper is prepared was set up illustrates the instability. If the government voluntarily funds Catholic schools beyond its constitutional commitment, it is extremely difficult to justify, legally and politically, not funding Jewish and Anglican schools.

The constitutional question is a legal one beyond resolution in this paper (or anywhere other than the Supreme Court and provincial parliaments). The Premier stated, "The new direction is not compelled by or founded upon a reinterpretation of old statutes or jurisprudence."[9] That appears to indicate that he saw the extension of funds as an act of political will. However, he also said at the same time that the extension will "honor the intents of the original constitution." Whatever the legalities, political issues take precedence for two reasons. The Province has the right to override the Charter of Rights and Freedoms, but not the original BNA Act. Public opinion will influence governmental behavior even when courts may not.

The Premier said the decision was voluntary, i.e. not forced by anticipated court action. That very voluntary action makes it difficult for future governments, and opposition parties, to refuse to support religious schools for other denominations. Ontarians have a traditional sense of fairness and that sense will be outraged either if local public schools are converted for use by separate boards or if new Catholic schools are built when others nearby are half empty, when, at the same time, financial support for Anglican or Jewish schools is being rejected. Imagine the feelings of a fundamentalist Baptist whose local public school is turned into a Catholic school while the local Christian school is turned down for funding.

In short, the status quo in June 1984 was pedagogically absurd. But it stemmed from a tradition that made in comprehensible and, constitutionally, justifiable. The new status quo is equally illogical from the point of view of religious minorities, and has little legal, historical or political tradition on which to rest. Inaction is always tempting to a government in power. In this case, inaction will leave Ontario's educational problems vulnerable to decision by the federal Supreme Court.

### 3. *The Status Quo Plus Provision of Limited Services for Approved Private Schools.*

It may be politically attractive to provide support through special subventions in a non-obvious way. However, there are major problems with this gradualist approach.

To avoid charges of unequal treatment of pupils of different religion, the province would probably still have to invoke the "notwithstanding" clause in the Constitution, unless prior agreement could be reached with all the private schools concerned. Even then, a new religious school could start at any time and demand funding equal to that provided separate schools. Simply, although this option looks like a not very expensive compromise it would not solve the basic legal and ethical problems — and it would cost some money.

Much more important, however, is the principle involved. Once funding is provided by government to private schools to which parents may add additional funds in the form of fees, the government is providing subsidies to the rich which are unavailable to the poor. Let us suppose that the subsidies are worth $500 per pupil per year and that tuition, for instruction without board, averages $4000. Only those parents who can afford the $3500 difference are eligible for the subsidy. The more the state provides an incentive to the rich to send their children elsewhere, the more the remaining school population suffers by having to attend a school with a less stimulating environment.

Further, if one assumes that provincial expenditure on education is a constant, every dollar spent on private education, used mainly by the affluent, is unavailable to the public schools, used by the poor.

### *4. Status Quo Plus Tax Deductibility of Fees Paid to Approved Private Schools.*

The objection to this option is similar to the objection to subsidized services. The objection here, from the point of view of social equity, is even greater than in that case. Option #3 makes the private school affordable by a slightly greater proportion of the population — the provincial moneys go, in effect, equally to all parents of children in private schools, always provided that the private schools do not take the opportunity to increase revenue by absorbing the government subsidies and not reducing fees. In the case of tax deductibility, the government support is greatest for those in the highest income tax brackets. If there is a tendency for schools to raise fees as government aid arrives, the less affluent would be even worse off than before — the fees would go up and their tax savings would be minuscule. The rich would be relatively insensitive to fee increases because they would be cushioned by tax deductibility. This option has very little to commend it except for the rich who object to paying double, once for the support of the public system and then again for the private schools. It does retain the appearance of private school independence. As the schools would receive no government money, directly, the chance of government influence is reduced. By the same token, some would argue that if the government provides the subsidy, or tax concession, to the rich there ought to be some return value to the state. This option does have the attractiveness of easy administration and the avoidance of direct provincial involvement in private schooling. From most of the values analyzed, it has little to commend it overall. Once again, this option does not address the most fundamental ethical and legal problems.

### *5. Taxable Grants to Parents with Children in Approved Private Schools.*

If the objectives of limited funding of private schools are to reduce the financial burden on parents and make the private school more accessible, then taxable grants make more sense than tax deductions. The assumption here is that the grants would be relatively small, below 50% of the per pupil cost of instruction in a public school.

If the grants are much greater than that, a new inequity arises. Consider the case of middle and upper income parents. Such parents will surely argue that their child's access to religious schools is, in effect, being taxed — while Catholics pay no such tax, and indeed receive completely free education. A small subsidy could be used politically to gain support; the larger the subsidy becomes the more obvious the remaining inequities appear.

Although this option has fewer objectionable features than Option #4 it is questionable whether it is either durable or politically feasible. It provides funding for private schools, to which many will object, without dealing in a satisfactory way with the questions of accessibility and equal opportunity. It does have the virtue of ensuring that financial effort is more equally demanded of all private school parents; financial support is provided but a genuine commitment must still be made. The ethical and legal problems remain.

A more extreme variation of this plan would see the province fund low income pupils by means of scholarships to private schools. Such a plan would surely imply that private schools are superior and thus merely serve to aggravate the ethical and legal problems. The sharing of scholarships among schools would be an administrative nightmare.

### *6. Partial Funding for Pupils Attending Approved Private Schools.*

This option differs from the last in two ways: the grants, say, 75% of the public school per pupil cost, may be considerably greater, and, they are not taxable. Options #3 to #5 are unlikely to have very much effect on private school enrolments. They are designed principally to assuage the perceived problem of double payment for educational services. Option #6 is different in two ways: 75% funding may substantially increase enrolment in and accessibility of private schools and it may, if enrolment increases sufficiently, save rather than cost provincial funding. If we assume a constant provincial educational budget, money saved from funding an increasing proportion of students at 75% could be used to increase expenditure on public schools. Thus although the decision to fund existing private school students at 75% would be an additional cost, it would be partially offset if large numbers of additional students enrolled in private schools at the reduced 75% funding rate. Although there would be increased accessibility, partial funding is not equal funding. The equity question remains.

Financial considerations are insufficient to commend this plan. The proportion of students attending private school would have to more than double before any cost saving was actually achieved. The more essential issue: Is there gain or loss in increasing enrolment in private schools, and who gains and who loses? The fear of public schools is that, gradually, they will be leached of their most teachable pupils — those with the best minds and most supportive parents. Their schools will become places of lower and lower repute. In some neighborhoods, it may become a sign of failure if one is unable to come up with the fees beyond the 75% paid by the government. The parallel system of private schools we now have will be more entrenched with the aid of public subsidies.

Public school people will be told to fight back; if their product is good enough why will people want to pay more for an alternative? However, the public schools may be fighting a losing battle; educators in them will know they will have to retain most of the poor, the learning disabled, the behavioral problems. How can their image compare with those beginning with a selection of the most favored? A major issue to be addressed should this plan be adopted will be the question of the level of compliance with provincial policies to be demanded in return for public funding. I shall discuss that issue more fully in the context of the next option, which brings us closer to a viable, accessible and varied system.

### 7. *Public Funding With a Spending Cap.*

One of the central objections to Option #6 is that the Province would, in effect, be funding the affluent to found a third system of schools. That situation is radically changed if provincial funding is conditional on total per pupil expenditures by the private school not exceeding a specified limit. For example, the Province might undertake to fund 75% of the per pupil cost in the public system providing that the per pupil expenditures in the private school do not exceed 105% of the public schools expenditures. Let us suppose the public school expenditures are $2500 per pupil. The private school subsidy would be $1875 and the average maximum fee demanded of parents would be $750. If funds were obtained from other sources (community fundraising activities, bequests, trust funds etc.) or if the school could manage at a level of expenditure below that of the public schools, the fees could be very much reduced. Alternatively, private schools might introduce a sliding fees schedule based on ability to pay. If low income parents could be guaranteed access under such a scale it is just possible that the legal problem of unequal treatment of Catholics and others would be satisfactorily addressed.

This model has much to commend it. It is one of the least costly models. Traditional elite private schools would probably not join the plan as the effect on their budgets would be too drastic, but they would continue independently. In terms of equity, the vast majority of Ontarians would be able to afford private education if they so chose. The net cost to the province might, after several years, be close to zero. That is to say, the cost of the 75% subsidy to children now in private schools would be offset by the reduced cost of new children attending private schools.

The sense of commitment which fee paying may engender would be kept and very few, if any, children would be deprived of a private education for financial reasons. Indeed, the Province might even go further and legislate that no child could be refused on grounds of inability to pay, thereby mandating a sliding fee schedule. That would bring new problems to the private schools, but it might be seen as a reasonable price for them to pay in order to receive provincial financial support.

Thus, control over clientele becomes an important issue. Should a provincially subsidized school have the right to choose its clientele — on grounds of religion, on grounds of ethnicity, on grounds of academic ability, on grounds of general attractiveness and potential? Some of these questions will doubtless be addressed by the courts in time. In the meantime, it seems sensible to arrive at a reasonable set of provisos that should be stipulated if private schools are to receive substantial government support.

The more regulations that are made to govern their operation, the more the point of the private, independent schools is lost. Yet, if there are no regulations, why should the province subsidize competing schools which are not limited by regulations made, presumably, for the general good of the province? Should teachers be certified? Should the schools follow the curriculum laid down by the province for the public schools?

It would seem unreasonable to argue for complete deregulation, equally unreasonable to argue for complete regulation. No one is going to support the idea of private schools failing to conform to general standards of physical safety. An equally strong argument can be made for prohibiting private schools from promoting immoral education or, more tendentiously, miseducation. At the beginning of this paper, I assumed that education was a good. I defined good education as helping learners seek and find truth and justice and provide cultural continuity. Therefore, private schools which clearly and deliberately set out to conceal truth (e.g. by denying the holocaust, by refusing to include scientific ideas and discoveries about the evolutionary development of the world and its species, by banning reasoned expositions for unpopular political ideologies, such as Communism) or which promote social, racial, political or class hatred and violence, should not be eligible for public funding, if indeed they would be permitted to exist at all. This stipulation illustrates the implications of some of the fundamental assumptions made earlier, and those assumptions deserve careful consideration by policy-makers. If education is a good (and I believe nearly all Ontarians agree with me that it is), it is important that we decide what it is that makes it a good. If, in contrast to the position I have outlined, it is determined that education is a good solely for purposes of that particular development or training which an individual parent desires, then my argument in favor of quite specific stipulations is invalid. However, 75% funding would also be invalid in that case — as the argument for equality among all individual parents' wishes leads directly to either no funding at all for education or to a voucher system (Option #10).

If we draw back, as I recommend, from almost total deregulation, difficulties arise. Just where does one draw the line? Some will argue that private schools should not have the right to "censor" books. This seems to me an irrational argument. All schools everywhere "censor" books in the sense that certain books are selected for use in schools and for circulation by the library, and others are rejected at the same time. In one sense, all the rejected books are "censored". Clearly, books used in literature classes in a fundamentalist Christian school will differ from those used in a secular public school in downtown

Toronto. Any particular line drawn will be difficult and may appear absurd just as inclusions and exclusions in the Ministry's Circular 14 often appear absurd to the casual onlooker. It would seem reasonable for the government to give itself the specific power to determine a list of basic materials that must be freely available in all government supported schools. The list would include dictionaries, encyclopaedias, standard works of literature (The Bible, Shakespeare, major Canadian, American and British writers), and standard works in the social and physical sciences. The list will inevitably be open to attack on the grounds of its arbitrary nature. The dangers of not having such an arbitrary list are greater.

Yet, I have suggested regulation can be taken too far. If private schools are expected to live by all the regulations and policies affecting public schools, they will become public schools. The point of their existence will be lost. Indeed, as many public schools turn a blind eye to some regulations and policies the very careful policing of provincially funded private schools would make them more royal than the Queen. For example, it would be ironic if private schools were compelled to devote 60 minutes a week to religious education, a regulation ignored by most public boards. In terms of curriculum and its organization, private schools should have fairly complete freedom, always given the general stipulation that education is concerned with the acquisition of knowledge, justice and wisdom. However, should they wish to give provincial graduation certificates to their graduates, they would have to follow the basic requirements laid down by the Ministry. As for instructional programs, emphasis should be placed on the learning outcomes rather than on the process of instruction. Private schools will surely wish to experiment with a number of methodologies and should not be prohibited from so doing. My own personal position on this issue is that choice of instructional methodology should not be prescribed for either private or public schools. However, my point here is that it would be unreasonable to expect private schools to abide by detailed Ministerial curriculum documents specifying instructional methodologies, but not unreasonable to expect them to maintain certain academic standards.

The certification of teachers and administrators is another difficult issue. The easier one to deal with is the certification of administrators. A very strong case can be made that it would be inappropriate to demand that private school administrators — principals, vice-principals, and supervisory officers — be certified to supervise in Ontario public and separate schools. The requirements for certification are directed to the idiosyncratic policies of Ontario, and they make it difficult or impossible for administrators, irrespective of experience and qualification, to be appointed from outside the province. As it is sometimes such idiosyncrasies that private schools are set up to avoid, it would be unreasonable to insist on administrators undergoing a training opposed to the purposes of the school. However, there would be no similar objection to demanding that administrators have certain academic qualifications. It might be reasonable to demand acquaintance with the field of education. Once again, I emphasize the assumption that education is a good, and that its primary purpose is the development of truth and justice. Any demand for certification in private schools should be based on those presuppositions and not on knowledge of regulations and methodologies approved by the Ontario Ministry of Education.

That point is relevant to the certification of teachers. Ontario's certification requirements for teachers are much more general than those for administrators and do not restrict national mobility. Essentially, new teachers are required to have a relevant university degree and a qualification in pedagogy. The first is clearly relevant to private schools and some acquaintance with the field of education and pedagogy is arguably desirable for all teachers in publicly funded systems.

One further important issue is that of capital costs. As Ontario has a stock of school facilities comparable with or superior to those of other developed parts of the world, and as enrolment will remain well below the peaks recently experienced, it would not seem reasonable to anticipate much new school building — public, separate or private — except in a few areas of exceptional growth. A school buildings commission might be set up with the power to transfer empty or potentially redundant public and separate buildings to publicly funded private schools where there is reasonable public demand. The Commission would have a very delicate task and the onus of doubt should always weigh in the favor of public schools. However, where for reasons of efficiency and good instruction, schools are closed, they should be made available without cost to publicly funded private schools.

The major issues to be addressed with respect to compliance with governmental policy are: health; safety and morality; curricula; goals and objectives; standards of achievement; texts and learning materials; administrative qualifications; and teaching qualifications. In addition, there may be strong public pressure for the transfer of existing facilities. The greater the level of public funding, the more important all these issues become.

Option #7 is the first one which tilts strongly towards accepting approved private schools as legitimate alternatives to the existing public (including separate) systems. For that reason, I have looked at the stipulations appropriate for the allocation of public funds in this context. These stipulations are equally relevant for Option #8. The first six options essentially see the private school as being an anomaly. Options #7 and #8 see approved private schools as legitimate alternatives for significant minorities. Options #9 and #10 see schooling as being largely a matter of individual parental choice.

### *8. The Associated Schools Plan*

The previous discussion illustrates the conflict among basic values. The more one believes in a single best system, the more one objects to the funding of private schools. The more one believes in parents' rights to choose their children's education the more one believes in alternatives. Even those who would believe in a single best system, were it designed to their taste, may like to have a choice once that single system appears to deviate too far from their own wishes. Many parents like the idea of being able to choose among a variety of public schools, all operated by the same board. Thus many school boards offer alternatives to the neighborhood school. French immersion, special education, summer session, night schools, alternative schools (a term usually denoting more permissive schools with fewer rules and regulations), open enrolment policies permitting out of zone transfer, arts schools, independent learning centres, correspondence courses and technical/vocational schools are all examples of options available within public school systems. In general, French immersion being a prominent exception, these options have been developed by administrators, teachers and, occasionally, school trustees. Only very rarely do they derive from parents themselves. In contrast, private schools, particularly church related ones, are frequently developed by and for parents. This model is intended to bring together some of the advantages of alternative schools within the system and private schools.

Is it possible to reconcile a degree of equity with parents' rights, at the same time avoiding the destruction of the public school system? *The associated schools plan* takes *partial funding with a cap* one logical step further. This plan envisages five different types of school: fully funded public and separate schools; alternative schools within the system; fully funded private schools; partially funded private schools; and totally independent private schools. The first, second and last categories exist already and require no further comment. The fully funded private schools would receive grants from the local school board equal to 100% of the per pupil operating cost of the school board less an administrative overhead which would be not greater than, say, 10% except by mutual consent (i.e. the board would be able to deduct an administrative overhead according to demonstrated costs up to that maximum). The schools would be permitted to raise an additional 5% by some combination of fees, charges and fund-raising measures. In return, the private schools would agree to: use the provincially approved goals and objectives for the various subject areas; maintain standards no lower than those prevalent in comparable public schools; use materials as laid down by the Ministry; prepare students for the Ontario graduation diploma; hire provincially certificated teachers (there would be a grandfather clause for teachers hired before the legislation); and not use inability to pay, race or ethnic background as criteria for exclusion of pupils. Religion is a notable omission from that list. Preferably, religion should be added, but only if it is also clearly stipulated that Roman Catholic schools may not discriminate against the acceptance of non-Catholic pupils. Once again, the Supreme Court may intervene, unless the "notwithstanding" clause is exercised.

Private schools, once planned or operating, would apply to either the public or the separate board for associated status. Should agreement with both be unattainable, there would be a possibility for direct approval by the Ministry, who would finance the schools itself and would provide administrative review services directly at cost.

Partially funded (i.e. 50% funded) private schools might, in the event, prove to be a redundant feature of the plan. These would be schools whose compliance with provincial requirements is at a lower level — they might be unwilling, for example to prepare pupils for provincial diplomas according to OSIS regulations. Fully funded schools which fail to comply completely with their provincial obligations, a problem experienced in Alberta with some of its partially funded schools, would be faced with the possibility of reversion to partially funded status. Their administrative costs might be, say, a maximum of 5% and their private funding cap an additional 60%.

School boards and associated schools would be encouraged to develop cooperative planning. It might make sense for school boards to provide transportation, custodial, maintenance, purchasing and payroll services to the mutual advantage of the board and the associated schools. In some circumstances, the board might provide school buildings without recourse to the Commission envisaged under Option #7.

Goals of this model would be to bring many private schools under the umbrella of a public system, and, at the same time, provide a large variety of public choice. In time, some associated private schools might become alternative schools entirely within the system.

The costs of this scheme are not great. Initially, the very success of the scheme would involve the provincial funding of education of some children now in independent, private schools. In the long run, the existence of parallel private schools might well keep the costs of public schools in check. Once operating, the schools would certainly be no more costly, and quite possibly less costly, than the current arrangements.

Two major objections to this plan are its complexity and the possible proliferation of small schools. There is no question that cooperation is more complex than independence. Options #2, #7 and #8 are administratively clean. There are dangers in complexity. Teachers in associated schools might join the same associations as teachers in the board with which they were connected. Clearly no board could allow itself to be put in a position of having to inherit teachers in whose hiring it had had no say from a failed associated school. Equally clearly, this would be a matter for negotiation. Private schools might fear contamination from contact with public schools; public schools might feel that proximity makes the private alternatives too readily available.

The problem of proliferation is endemic with all models that imply increased accessibility to private schools. One partial solution to the problem is to legislate minimum size as one criterion for the funding of associated schools. In addition, legislation might provide that, if the setting up of an associated school would affect the viability of a public school in a small isolated community, the board concerned would have the option of providing a mixed public school representing, in part, the desires of the dissenting group. However, this problem may not be quite as serious as it would seem on paper. Private schools, excluding boarding schools, tend to be found most frequently in urban areas, for the good reason that they require a market. Other factors too would appear to inhibit the growth of alternative schools of all kinds in rural Ontario. Rural schools have probably been more sensitive to traditionalism than have urban schools. Rural schools often reflect a greater sense of community.

Closely related to the question of proliferation is the problem of dilution. As more competing schools are opened, there is a danger that the public schools will become schools of last resort, holding areas for those who are difficult to teach. The problem of expense is easier to handle than that of attitude and morale. The Ministry (or local school boards) could set aside earmarked funds for special education which could be segregated from the per pupil expenditures. These grants would be targeted to the hard-to-teach, whether in private or public schools. Associated schools would only be entitled to the funding equivalent for the kinds of students they enrolled. The problem of attitude is much more complex. The very fact that parents seek out private or optional schools suggests an unusual interest in their children's education. If the private schools enrol, in the main, highly motivated children with highly motivated parents, as the numbers increase, the public schools will be left increasingly with the hard-to-teach. The school climates of private and public schools will vary and inequality of opportunity will result. We are back to the basic conundrum — freedom to choose or equality. But, if we choose equality, how can we reconcile that value with our continuing to allow choice to Catholics and to those with money? It can also be argued, speculatively, that the very possibility of such losses will force the public schools to respond much more quickly and more effectively to the public will. Indeed, one of the arguments for greater parental choice is that schools are increasingly being operated in the interests of educators rather than in the interests of learners. If reasonable stipulations are enforced, competition between private and public schools will be fair and parents and pupils may both gain.

### *9. Voucher System with Cap*

A more straightforward version of Option #8 would be the provision of grants equal to per pupil public spending to all parents who enrol their children in private schools, with two provisos — i) that schools' educational spending may not exceed the grant by more than 5%; and ii) that the grants are devoted entirely to educational (i.e. not extraneous) expenses. This requires less legislation, less administration and creates fewer bureaucratic problems. However, it does more to assure the setting up of three large systems — public, Catholic and funded private — excluding the existing elite private schools which would presumably refuse to accept the cap on spending. The advantage of Option #8 is that it encourages cooperation between private and public schools and blurrs the distinction between them. The public schools, being sensitive to public demand, will become more like private schools, the private schools, being sensitive to government funding, more like public schools. With Option #9, conditions like those suggested under #7 and #8 might be imposed as an additional stipulation. The Ministry would have to review adherence to such rules. However, pressure would quickly be brought to bear on M.P.P.s not to permit the withdrawal of funding once it was established. Whereas, under Option #8, the boards would have every incentive to ensure that private schools were playing by the rules, Ministry inspection teams under Option #9 would be under great local pressure to look the other way if rules were being bent. In practice, by legislative design and by default, this option would probably provide greater leeway to the funded private schools. It leans further to freedom and is more likely to damage the public schools.

### *10. Voucher System*

The pure voucher system is that advocated by Milton Friedman, the American laissez-faire economist. Every parent would be entitled to a voucher for each school age child as currency for educational services. There would be no limit to the amount that could be added in the form of school fees.

In the short run, this would be a direct subsidy to the affluent parents of private school children. In the longer run, schools would probably develop to cater to different levels of affluence — we would have ward, semi-private and private levels of education.

The problems of this system are considerable. For example it might prove uneconomic to offer anything other than the basic level of education (that which could be purchased with the vouchers) in poor, isolated communities. Teachers' salaries would be commensurately low and the result would be a downward spiral in education and industry. There would also be a tendency for the value of the voucher to stay low as most parents would be paying additional school fees. This would prove economical to the provincial treasury, but very hard on low-income parents.

It is doubtful in the extreme whether this plan would be politically feasible in Ontario.

## Chapter Five

# CONCLUSION

There is little likelihood of achieving complete consensus on this most difficult question. The value differences are very great in magnitude and varied in kind. Those with major stakes in the public school systems will, understandably, be strongly opposed to any actions that may serve, advertently or inadvertently, to reduce their size. Those who feel ill-served, or simply not served, by the public systems feel that funding of their choices is a simple matter of fairness. If Catholics are to have their schools, why should they not have theirs?

Appendix III illustrates a decision making matrix. It must be treated with great caution. It is not feasible to incorporate every possible value and the values I have selected are not necessarily quantified to everyone's satisfaction in the simple way I have illustrated. Ideas such as *freedom* and *equality of opportunity* are complex and definable in various ways. People may sincerely and reasonably feel that their very different educational proposals are compatible with such ideals. Nevertheless, using simple broad strokes, I have attempted to show some of the trade-offs that are necessary as political policy-making takes place. The various sample matrices illustrate well how we reached the status quo; not everyone likes it very much but all can see far worse alternatives.

Appendix IV, showing the rank ordering of the various options according to simulated representations of various interest groups, suggests that four of the options, besides the status quo, deserve particularly careful study, none being rejected violently by anyone. These four options are: a) *Limited Support* to private schools, in the form of subsidized materials, transportation etc.; b) *Taxable Grants* to parents of private school pupils; c) *Associated Schools;* and d) a *Voucher System with a Cap on Total School Spending* (the Netherlands model).

The first two are most easily implemented, distort the status quo least and, for that reason, are likely to be least objectionable to public school supporters. Neither is likely to have any severe consequences. Both cost money, but the costs can easily be controlled by limiting the support grants, whether to schools or to parents. However, neither of these approaches addresses the central issues raised by the funding of a complete Catholic system. To ensure that such limited support to private religious schools would be constitutional, the province would probably have to pass overriding legislation; in other words, it would have to place on record the belief that it intended to discriminate in favor of Catholics against Jews, Baptists, Anglicans and other minorities. The government might not find that palatable; certainly, many of the groups affected would find it quite unpalatable.

The two remaining options, *Associated Schools* and *Vouchers with a Cap on Spending*, are more radical and may be expected to have more far-reaching effects. However, both provide equal treatment to all groups, but also provide safeguards to protect the public systems from unfair competition. They would not be protected from fair competition.

If the publicly funded systems really do represent the mass of the public, they have little to fear from competition whose overall spending is limited in the same way as their own. Most parents will not want to experiment with their children in a cavalier fashion. If, on the other hand, as many of those somewhat dissatisfied with the public system insist, the public schools are operated too loosely, with an insufficient commitment to traditional values, then either the public systems will change or they will lose their clientele. The major effect, then, of these two options would be to encourage the public systems to become more responsive to the wishes of the public they serve. The greater the gap, the more they will have to change. If there is little or no gap, the new funding should pose little threat. Of the two, the *Associated Schools Plan* may be preferable. More difficult to set up, it provides more ready checks and balances against abuse and encourages greater cooperation between public and private schools.

# FOOTNOTES

1. Robinson, Gordon. *Private Schools and Public Policy.* Loughborough, England: Department of Social Sciences and Economics, Loughborough University of Technology, 1971.

2. See, for example, the philosophy of Alasdair MacIntyre in *After Virtue.* Notre Dame, Indiana: University of Notre Dame Press, 1981.

3. Maritain, Jacques. "Education at the cross roads," Chapter in *Selected Readings in the Philosophy of Education,* edited by Joe Park. New York: Macmillan, 1958.

4. Rousseau, Jean Jacques. *Emile.* New York: Appleton, 1897.

5. LaPierre, Laurier. *To Herald a Child.* Ontario Public School Men Teachers' Federation, Toronto, 1981.

6. Ibid., p. 49

7. Ibid., p. 51

8. Ibid., p. 29

9. Dewey, John. *Experience and Education.* New York: Collier Books, 1963, pp. 19-20.

10. Warnock, Mary. *Schools of Thought.* London: Faber and Faber, 1977, p. 68.

11. Morris, Van Cleve. *Existentialism in Education.* New York: Harper and Row, 1966, p. 102.

12. Ibid., p. 103.

13. Erickson, Donald A. "Disturbing evidence about the 'one best system'." *In The Public School Monopoly,* edited by Robert B. Everhart. Cambridge, Massachusetts: Ballinger Publishing Company, 1982, pp. 393-422.

14. Everhart, Robert B. "Leftist agendas, educational vouchers: Toward a critical appraisal." *Interchange,* 14, 3, 1983, pp. 46-64.

15. "An interview with Dr. Ted Bounsall, NDP critic in the Ontario provincial parliament." *Field Development Newsletter,* 10, 9, 1980, p. 6.

16. Bloom, Benjamin S. *Human Characteristics and School Learning.* New York: McGraw-Hill, 1976.

17. Coleman, J. S., Hoffer, T. and Kilgore, S. *High School Achievement: Public, Catholic and Private Schools Compared.* New York: Basic Books, 1982.

18. Purves, Alan C. and Levine, Daniel U. *Educational Policy and International Assessment.* Berkeley, California: McCutchan, 1975.

19. Premier William Davis. Address to the provincial legislature, June 12, 1984.

### Appendix 1

# CHARTER OF RIGHTS AND FREEDOMS, CONSTITUTION ACT 1982

The following is taken from a summary published by the Federal Government of Canada.

*Equality Rights.* Every individual will be considered equal under Canadian law and entitled to protection against discrimination by governments, particularly on the grounds of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

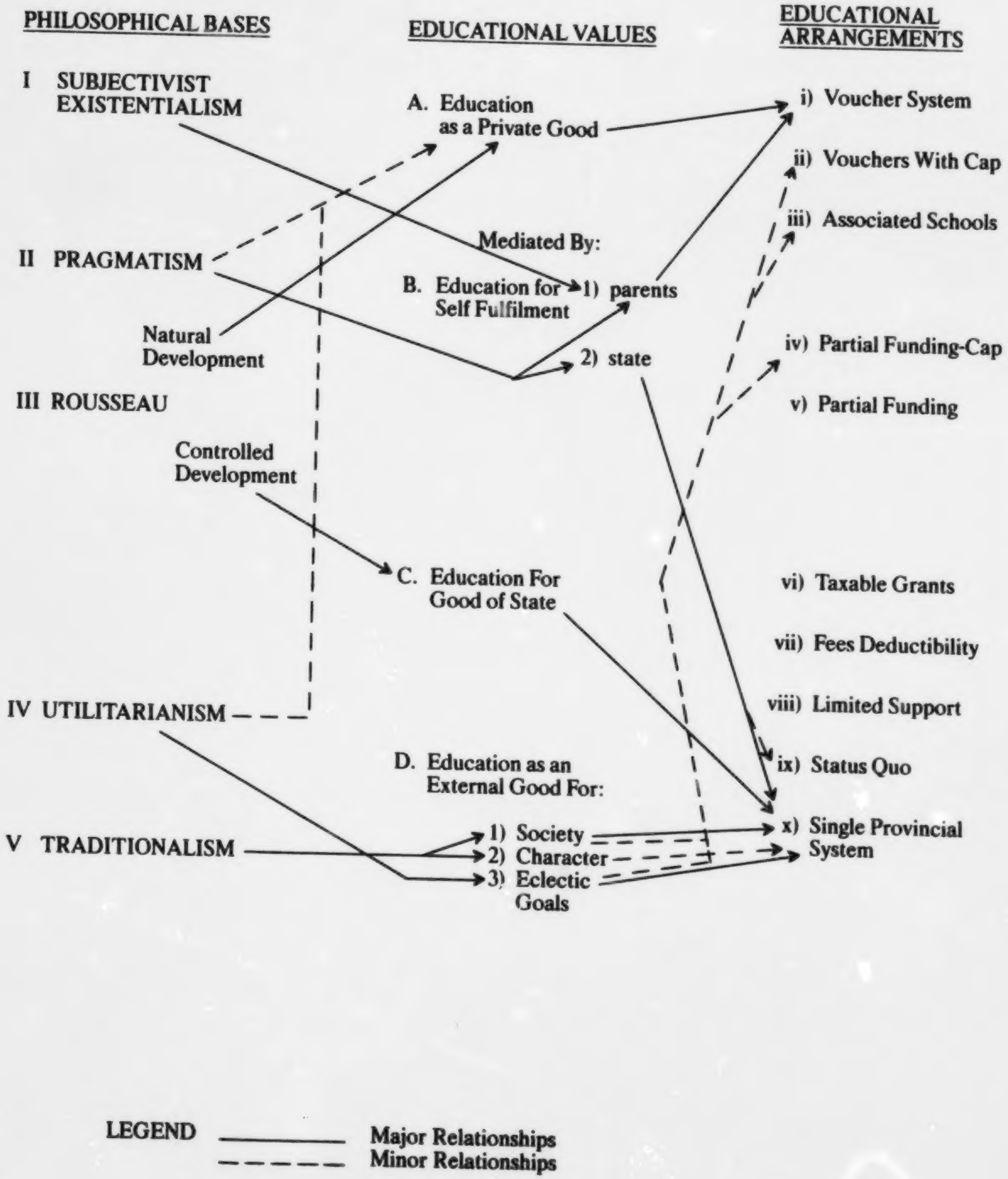
At the same time, there is provision in the Charter for affirmative action programs, designed, for example, to improve the conditions of disabled persons. Such programs will not be considered discriminatory.

*Restrictions.* The protections of rights cannot be made absolute. Any definition of individual rights must be balanced against the rights of all people in a society. Hence, the Charter's acknowledgment that the rights it recognizes might have to be restricted in the general interest. The restrictions must be reasonable, however, and must be prescribed by law and be demonstrably justifiable in the context of a free and democratic society. An example of such a restriction would be the laws against libel and slander limiting the right to freedom of speech.

In addition the Constitution gives Parliament and provincial legislatures limited powers to pass laws that may expressly override fundamental freedoms, legal rights and equality rights protected by the Charter. But in passing such laws legislators must state clearly that this is what they are doing, by inserting a clause saying that the action is taken *notwithstanding* a specific provision of the Charter. The exceptional nature of this provision is reflected in the fact that, when such a law is passed, it expires within five years unless specifically re-enacted with another "notwithstanding" clause.

## Appendix II

# RELATIONSHIPS AMONG PHILOSOPHIES, VALUES AND EDUCATIONAL ARRANGEMENTS


PHILOSOPHICAL BASES
EDUCATIONAL VALUES
EDUCATIONAL ARRANGEMENTS
I SUBJECTIVIST EXISTENTIALISM
A. Education as a Private Good
i) Voucher System
ii) Vouchers With Cap
iii) Associated Schools
Mediated By:
II PRAGMATISM
B. Education for Self Fulfilment
1) parents
Natural Development
2) state
iv) Partial Funding-Cap
III ROUSSEAU
v) Partial Funding
Controlled Development
C. Education For Good of State
vi) Taxable Grants
vii) Fees Deductibility
IV UTILITARIANISM
viii) Limited Support
ix) Status Quo
D. Education as an External Good For:
V TRADITIONALISM
1) Society
2) Character
3) Eclectic Goals
x) Single Provincial System
LEGEND
Major Relationships
Minor Relationships

## Appendix III.1

# CHOOSING AMONG THE OPTIONS

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | Total |
| OPTIONS | | | | | | | | | | | | | | | |
| 1. Single Provincial System | 0 | 0 | 9 | 6 | 0 | 9 | 9 | 9 | 9 | 0 | 9 | 9 | 0 | 8 | N/A |
| 2. Status Quo | 2 | 3 | 8 | 9 | 1 | 7 | 6 | 8 | 3 | 3 | 8 | 8 | 9 | 7 | N/A |
| 3. Limited Support Services | 4 | 6 | 7 | 8 | 2 | 3 | 5 | 7 | 5 | 4 | 6 | 4 | 6 | 5 | N/A |
| 4. Fees Deductibility | 3 | 8 | 1 | 4 | 6 | 1 | 3 | 7 | 5 | 3 | 6 | 4 | 5 | 0 | N/A |
| 5. Taxable Grants | 7 | 6 | 1 | 6 | 6 | 5 | 2 | 6 | 4 | 5 | 5 | 4 | 7 | 2 | N/A |
| 6. Partial Funding | 7 | 7 | 1 | 5 | 7 | 3 | 2 | 5 | 3 | 5 | 1 | 4 | 4 | 6 | N/A |
| 7. Partial Funding with a Cap | 7 | 5 | 3 | 6 | 7 | 6 | 2 | 3 | 2 | 7 | 2 | 5 | 5 | 6 | N/A |
| 8. Associated Schools | 9 | 5 | 4 | 5 | 8 | 6 | 4 | 5 | 4 | 7 | 3 | 6 | 8 | 5 | N/A |
| 9. Vouchers with Cap | 9 | 5 | 2 | 5 | 9 | 6 | 3 | 3 | 3 | 8 | 2 | 5 | 7 | 5 | N/A |
| 10. Vouchers | 8 | 9 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 9 | N/A |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy
15. Total

Appendix III.2

# TRADITIONALIST CHRISTIAN WITH CHILDREN IN PUBLIC SCHOOLS

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | 6 | 3 | 1 | 0 | 0 | 3 | 1 | 1 | 1 | 4 | 2 | 2 | 2 | 3 | | |
| OPTIONS | | | | | | | | | | | | | | | | |
| 1. Single Provincial System | 0 | 0 | 9 | 0 | 0 | 27 | 9 | 9 | 9 | 0 | 18 | 18 | 0 | 24 | 123 | 9 |
| 2. Status Quo | 12 | 9 | 8 | 0 | 0 | 21 | 6 | 8 | 5 | 12 | 16 | 16 | 18 | 21 | 151 | 4 |
| 3. Limited Support Services | 24 | 18 | 7 | 0 | 0 | 9 | 5 | 7 | 5 | 16 | 12 | 8 | 12 | 15 | 138 | 8 |
| 4. Fees Deductibility | 18 | 24 | 1 | 0 | 0 | 3 | 3 | 7 | 5 | 12 | 12 | 8 | 10 | 0 | 103 | 10 |
| 5. Taxable Grants | 42 | 18 | 1 | 0 | 0 | 15 | 2 | 6 | 4 | 20 | 10 | 8 | 14 | 6 | 146 | 6 |
| 6. Partial Funding | 42 | 21 | 1 | 0 | 0 | 9 | 2 | 5 | 3 | 20 | 2 | 8 | 8 | 18 | 139 | 7 |
| 7. Partial Funding with a Cap | 42 | 15 | 3 | 0 | 0 | 18 | 2 | 3 | 2 | 28 | 4 | 8 | 10 | 18 | 153 | 3 |
| 8. Associated Schools | 54 | 15 | 4 | 0 | 0 | 18 | 4 | 5 | 4 | 28 | 6 | 10 | 16 | 15 | 179 | 1 |
| 9. Vouchers with Cap | 54 | 15 | 2 | 0 | 0 | 18 | 3 | 3 | 3 | 32 | 4 | 12 | 14 | 15 | 178 | 2 |
| 10. Vouchers | 48 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 0 | 10 | 0 | 27 | 148 | 5 |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy
15. Total
16. Rank

### Appendix III.3

# PROGRESSIVE HUMANIST WITH CHILDREN IN PUBLIC SCHOOLS

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | 0 | 2 | 3 | 6 | 2 | 3 | 2 | 2 | 0 | 1 | 5 | 3 | 2 | 1 | | |
| OPTIONS | | | | | | | | | | | | | | | | |
| 1. Single Provincial System | 0 | 0 | 27 | 36 | 0 | 27 | 18 | 18 | 0 | 0 | 45 | 27 | 0 | 8 | 216 | 2 |
| 2. Status Quo | 0 | 6 | 24 | 54 | 2 | 21 | 12 | 16 | 0 | 3 | 40 | 24 | 18 | 7 | 227 | 1 |
| 3. Limited Support Services | 0 | 12 | 21 | 48 | 4 | 9 | 10 | 14 | 0 | 4 | 30 | 12 | 12 | 5 | 181 | 3 |
| 4. Fees Deductibility | 0 | 16 | 3 | 24 | 12 | 3 | 6 | 14 | 0 | 3 | 30 | 12 | 10 | 0 | 133 | 8 |
| 5. Taxable Grants | 0 | 12 | 3 | 36 | 12 | 15 | 4 | 12 | 0 | 5 | 25 | 12 | 14 | 2 | 152 | 5 |
| 6. Partial Funding | 0 | 14 | 3 | 30 | 14 | 9 | 4 | 10 | 0 | 5 | 5 | 12 | 8 | 6 | 120 | 9 |
| 7. Partial Funding with a Cap | 0 | 10 | 9 | 36 | 14 | 18 | 4 | 6 | 0 | 7 | 10 | 15 | 10 | 6 | 145 | 7 |
| 8. Associated Schools | 0 | 10 | 12 | 30 | 16 | 18 | 8 | 10 | 0 | 7 | 15 | 18 | 16 | 5 | 165 | 4 |
| 9. Vouchers with Cap | 0 | 10 | 6 | 30 | 18 | 18 | 6 | 6 | 0 | 8 | 10 | 15 | 14 | 5 | 146 | 6 |
| 10. Vouchers | 0 | 18 | 0 | 0 | 18 | 0 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 9 | 54 | 10 |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy
15. Total
16. Rank

**Appendix III.4**

# RELIGIOUS GROUP MEMBER WITH CHILDREN IN PRIVATE SCHOOL – AVERAGE INCOME

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | 5 | 8 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 2 | 1 | 1 | 3 | 3 | | |
| OPTIONS | | | | | | | | | | | | | | | | |
| 1. Single Provincial System | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 9 | 0 | 0 | 9 | 9 | 0 | 24 | 78 | 10 |
| 2. Status Quo | 10 | 24 | 0 | 0 | 0 | 21 | 0 | 8 | 0 | 6 | 8 | 8 | 24 | 21 | 130 | 8 |
| 3. Limited Support Services | 20 | 48 | 0 | 0 | 0 | 9 | 0 | 7 | 0 | 8 | 6 | 4 | 18 | 15 | 135 | 7 |
| 4. Fees Deductibility | 15 | 64 | 0 | 0 | 0 | 3 | 0 | 7 | 0 | 6 | 6 | 4 | 15 | 0 | 120 | 9 |
| 5. Taxable Grants | 35 | 48 | 0 | 0 | 0 | 15 | 0 | 6 | 0 | 10 | 5 | 4 | 21 | 16 | 160 | 3 |
| 6. Partial Funding | 35 | 56 | 0 | 0 | 0 | 9 | 0 | 5 | 0 | 10 | 1 | 4 | 12 | 18 | 150 | 5 |
| 7. Partial Funding with a Cap | 35 | 40 | 0 | 0 | 0 | 18 | 0 | 3 | 0 | 14 | 2 | 5 | 15 | 18 | 150 | 5 |
| 8. Associated Schools | 45 | 40 | 0 | 0 | 0 | 18 | 0 | 5 | 0 | 14 | 3 | 6 | 21 | 15 | 167 | 1 |
| 9. Vouchers with Cap | 45 | 40 | 0 | 0 | 0 | 18 | 0 | 3 | 0 | 16 | 2 | 5 | 21 | 15 | 165 | 2 |
| 10. Vouchers | 40 | 72 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 27 | 157 | 4 |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy
15. Total
16. Rank

## Appendix III.5

# PARENT WITH CHILDREN IN ELITE PRIVATE SCHOOLS

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | A1 | A2 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | 2 | 4 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 4 | 2 | 1 | 5 | 4 | 10 | 2 | Ttl. | Rank |
| OPTIONS | | | | | | | | | | | | | | | | | | |
| 1. Single Provincial System | 0 | 0 | – | – | – | 9 | – | – | – | 0 | 18 | 9 | 0 | 32 | 0 | 0 | 68 | 10 |
| 2. Status Quo | 4 | 12 | – | – | – | 7 | – | – | – | 12 | 16 | 8 | 45 | 28 | 20 | 8 | 160 | 8 |
| 3. Limited Support Services | 8 | 24 | – | – | – | 3 | – | – | – | 16 | 12 | 4 | 30 | 20 | 40 | 10 | 167 | 5 |
| 4. Fees Deductibility | 6 | 32 | – | – | – | 1 | – | – | – | 12 | 12 | 4 | 25 | 0 | 80 | 12 | 184 | 3 |
| 5. Taxable Grants | 14 | 24 | – | – | – | 5 | – | – | – | 20 | 10 | 4 | 35 | 8 | 30 | 14 | 164 | 6 |
| 6. Partial Funding | 14 | 28 | – | – | – | 3 | – | – | – | 20 | 2 | 4 | 20 | 24 | 80 | 14 | 209 | 2 |
| 7. Partial Funding with a Cap | 14 | 20 | – | – | – | 6 | – | – | – | 28 | 4 | 5 | 25 | 24 | 10 | 14 | 150 | 9 |
| 8. Associated Schools | 18 | 20 | – | – | – | 6 | – | – | – | 28 | 6 | 6 | 40 | 20 | 10 | 12 | 166 | 5 |
| 9. Vouchers with Cap | 18 | 20 | – | – | – | 6 | – | – | – | 32 | 4 | 5 | 35 | 20 | 10 | 14 | 164 | 6 |
| 10. Vouchers | 16 | 36 | – | – | – | 0 | – | – | – | 36 | 0 | 0 | 0 | 36 | 90 | 18 | 232 | 1 |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy

A1. Right to Support Children
A2. Heterogeneity
15. Total
16. Rank

Appendix III.6

# BLANK MATRIX FOR READER'S USE

| CRITERIA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | A1 | A2 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEIGHT | | | | | | | | | | | | | | | | | | |
| OPTIONS | | | | | | | | | | | | | | | | | | |
| 1. Single Provincial System | | | | | | | | | | | | | | | | | | |
| 2. Status Quo | | | | | | | | | | | | | | | | | | |
| 3. Limited Support Services | | | | | | | | | | | | | | | | | | |
| 4. Fees Deductibility | | | | | | | | | | | | | | | | | | |
| 5. Taxable Grants | | | | | | | | | | | | | | | | | | |
| 6. Partial Funding | | | | | | | | | | | | | | | | | | |
| 7. Partial Funding with a Cap | | | | | | | | | | | | | | | | | | |
| 8. Associated Schools | | | | | | | | | | | | | | | | | | |
| 9. Vouchers with Cap | | | | | | | | | | | | | | | | | | |
| 10. Vouchers | | | | | | | | | | | | | | | | | | |

KEY FOR CRITERIA:

1. Traditionalism
2. Freedom
3. Statism
4. Progressivism
5. Existentialism
6. Equal Opportunity
7. Homogeneity
8. Common Curricula
9. Reduction of Individual Differences
10. Excellence
11. Least Harm to Public Systems
12. Help to Public Systems
13. Political Feasibility
14. Economy

A1.
A2.
15. Total
16. Rank

## Appendix III.7

# COMMENTARY ON APPENDICES III.1-III.6

Appendix III is a decision-making matrix based on the major options facing the Province of Ontario in 1984 and the values developed in this paper. In Appendix III.1, the options are shown horizontally from 1 to 10 and the criteria, including political feasibility and economy, are shown in vertical columns from 1 to 14. The numerals in the chart are based on a scale from 0 to 9. These numerals represent my judgment of the variables. In all cases, both 0 and 9 have been used.

The options for educational arrangements are those described in Chapter IV.

Definitions of the criteria are as follows:

1. *Traditionalism* — a belief that our society has fundamental cultural values, notably the traditional virtues, that should underlie formal education and be respected and inculcated

2. *Freedom* — a belief in individual liberty which normally overrides the convenience of the state; it includes belief in the freedom of parents to choose the education of their children

3. *Statism* — a belief that the interests of the state must have priority over those of parents in the education of children

4. *Progressivism* — a belief that the best education is that which provides children a healthy environment in which they may make intelligent choices about problem solving that will lead to their personal fulfilment

5. *Existentialism* — a belief that our being is all we have and that education should emphasize the essence of existence and the power to think and choose that go with it

6. *Equal opportunity* — a belief that the state has a responsibility to provide pupils from a variety of backgrounds with equality of educational opportunity; principally, it consists of the provision of equal access to educational programs; to some degree, it implies the provision of the same curriculum to all pupils, at least in the elementary grades, and there should be sensitivity to inequality of outcomes among groups

7. *Homogeneity* — a belief that it is valuable for children of different backgrounds to work and play together so that they adopt some common values and understandings; some readers may prefer to substitute the reverse value of heterogeneity

8. *Common Curriculum* — a belief that a comparatively undifferentiated curriculum is desirable because it will provide all pupils with a similar basis of knowledge from which they can choose their futures freely

9. *Reduction of Individual Differences* — a belief that schools should consciously try to reduce rather than increase the inequalities in levels of educational functioning which children bring to school from home

10. *Excellence* — a belief that great emphasis should be placed on the encouragement of individual achievement in all areas of school activity — academic, social, extra-mural, moral, aesthetic, physical

11. *Least Harm to Public Systems* — a belief that changes should be developed such that least damage will be done to existing publicly funded schools

12. *Help to Public Systems* — a belief that new arrangements might help public systems, by providing additional funding, or by providing fair competition.

13. *Political Feasibility* — the likelihood of an idea being acceptable to a governing political party

14. *Economy* — probable expense to provincial, including local, taxpayers; a high score represents low cost.

*NOTE:* Readers will observe that there is no variable representing utilitarianism. Appendix II suggests that utilitarianism is most compatible with education for a wide variety of external goods. However, it can also be argued that utilitarianism can support education as a private good and education for the good of the state. It may be argued that some of the variables, such as equality of educational opportunity, are utilitarian in origin. In any case, utilitarians will have to handle this problem for themselves in their own way.

### Use of the Matrix

The matrix cannot be used simply by adding the horizontal scores in Appendix III.1. The result would be meaningless. The assumption behind such behavior would be that the reader holds all values, including contradictory ones, to be of equal worth. I have simulated some examples in Appendices III.2 to III.5. They are far from exhaustive. Appendix III.6 is provided for the reader's own use. In completing the matrix, the following steps should be followed:

1. Check the options provided and add additional ones if desired;

2. Check the criteria and add additional ones if desired; more room can be found by deleting superfluous ones (for example, it is unlikely that any reader will want to use both traditionalism and progressivism);

3. Apply weights to the selected criteria; it probably makes sense to keep the total weights in the

25 to 35 range; the higher the weight the more important the value;

4. Apply the 0 to 9 scale for the different options; for each criterion chosen make sure both a 0 and a 9 are used in every vertical column in order that some values are not unintentionally weighted differently from others;

5. Multiply the weight by the scale score for every criterion and every option;

6. Add the totals found by step #5 horizontally;

7. Calculate and check the rank order. Has it worked right? Have you arrived at the "right" answer? If not, was the "right" answer really "right" answer. Adjust the scores if necessary to reflect your true judgment;

8. Total the scores finally and arrive at a rank order of the options.

Step #7 is the crucial step in which readers must come to terms with their own values, by adjusting the weights, by adding new values or by coming to new conclusions.

## Simulated Value Positions

### *Appendix III.2 Traditional Christian with children in public schools*

Mrs. MacIntyre is a Presbyterian. She has always considered herself a supporter of the public schools; she has little sympathy with the idea of elite private schools. However, in recent years she has become increasingly uneasy with the public schools' educational offerings. She does not expect public schools to teach her particular brand of Christianity, but she does expect them to support basic moral values — honesty, justice, loyalty, courage, humility, friendship, personal responsibility, independence, industriousness. It seems to her that teachers rarely if ever directly address moral issues and sometimes do not set good moral examples themselves. If they do address such issues, it is nearly always in the context of value clarification, with pupils being encouraged to choose their own values without regard to their parental or religious upbringing. Teachers are apt to deal with family and sexual matters as though either these questions are mere matters of personal preference or they are matters to be dealt with in clinically scientific terms. She is also dissatisfied with the schools' approach to program. She feels that there is too little rigor, too little concern for standards, particularly in language and social studies. Her children sometimes bring home quite mediocre work, either unmarked or highly praised — often containing numerous spelling and other errors. She no longer feels that the public schools represent her. It is not that she has a strong view of individual rights; she believes in fact that most parents share her views. However, she sees the school system as being somewhat out of tune with majority values and would welcome the opportunity to send her children to a rigorous school with a strong sense of values. She has considered sending her children to Catholic schools, but is not sure they are really very different. She believes in equal opportunity and thinks the Province should make her alternative available to her. She would not be opposed to an alternative within the system rather than a private alternative but doubts that her board would willingly provide one; she thinks her board would not want to make such an alternative readily available.

### *Appendix III.3 Progressive Humanist with Children in Public Schools*

Mr. Thomas agrees with Mrs. MacIntyre that the ethos of the public schools is humanist, but argues that is what it should be. He is a strong supporter of the public schools. The public schools, he thinks, should be used to protect children from their parents, from people like Mrs. MacIntyre who want to impose their views on their children. He himself was brought up in a strongly Protestant home and wants children in school to be protected from that kind of rigid narrow-mindedness. He would prefer to see private and Catholic schools abolished altogether but realizes that such an extreme position is just not in the political cards. In any case, as long as the private and Catholic parents are kept away from the public system, he believes that the public schools are fairly safe in humanist hands. He would like to see the schools become much more open and progressive and is frightened that they are slipping back into traditional ways because of political pressures. He would like to see children have more influence on their own lives in school and would like to see the high schools become much less regimented and more open to unconventional ways of learning. He is not sure about social homogeneity. Certainly he believes in the core neighborhood school enrolling children from all backgrounds, but he also likes the idea of developing their cultural differences provided that there will be equality of opportunity at the end of secondary school. He sees the extension of funding of Catholic schools as being fair, but he wants to make sure that the public schools do not suffer in the process. He thinks the Ministry of Education and his local school board administrators are probably being clever in talking about standards and rigor while, at the same time, they are quietly pressing ahead with some progressive reforms. He is strongly opposed to any funding of private schools. He does not think parents should be permitted to give their children a narrow, fundamentalist education.

### *Appendix III.4. Religious Group Member with Children in Private School*

Mrs. Van Dam is of Dutch origin. Although she has experienced financial difficulties, she has recently transferred her children to a private

Christian school. She comes from a strong Lutheran background, but she says that religion is only a part of the reason for transferring her children. She feels, like Mrs. MacIntyre, that the public schools are not sufficiently rigorous either in terms of their teaching or in terms of their control of children's behavior. She got on well with all her children's teachers in public schools and found them pleasant and supportive. However, she does not feel she was fully informed when the children had difficulties. She was not told, until she demanded precise information from the principal, that one of her children was well below average in both reading and mathematical skills. She thinks her son is lazy and feels he must be made to work at school just as she and her husband have to make him work hard at home. She thinks the school lets him idle away his time. She is a strong believer in religious freedom and remembers that she went to a private religious school in Holland when she was a girl. The Canadian public schools, she believes, are moving further and further away from Christianity; maybe that is what people want. But she wants her children brought up her way. She finds it hard enough contending with television, movies, rock concerts and magazines without having to fight the ideas her children pick up from school, and, particularly, from the friends they make at school. She does not see why she should pay taxes for an education she does not want and then pay additional fees at great sacrifice for her own school. She thinks Christian schools like the one her children attend should get the same funding the Province gives the public schools. She does not feel strongly about whether private shools should be allowed to raise additional money beyond that provided by the Province but does feel strongly they must be free to choose their own teachers and to teach programs in their own way. She does not mind the Province insisting on appropriate academic standards, but certainly does not want the Province telling teachers how to teach.

### *Appendix III.5. Elite Private School Parent*

Mr. Gilchrist has three children, two boarding in elite private schools and one attending an elite private school on a daily basis. He considers himself a good supporter of the public schools and agrees they should be compulsory, publicly funded and provincially operated. He does not begrudge the tax money spent on education. However, he does feel very strongly that his own school fees, which total over $25,000 a year, should be tax deductible.

His preference is for a pure voucher system or for substantial aid to private schools, but realizes those options may not be feasible for economic and political reasons. He thinks tax deductibility might be less objectionable.

Mr. Gilchrist is a strong believer in the laissez-faire, free market system and believes that the more it is applied to the school system the better the schools will become. If there can be no voucher system, he is quite prepared to pay his share of school taxes. He believes that education is useful for cultural purposes and essential if individuals and the nation as a whole are to become economically competitive. He is not too happy, in his experience, with the graduates of the public school system. He would like them to have a better grounding in the basic skills, and, even more important, he would like them to have better attitudes towards business, and be more aware of the importance of punctuality, conscientiousness, courtesy and cooperation. He thinks he should be able to spend his money on his children as he wishes and, in any case, he thinks the country needs the kind of leadership that traditional private schools can provide.

### Appendix IV

# RANK ORDER OF OPTIONS BY EXAMPLES PROVIDED IN APPENDIX III

| OPTIONS | 3 TRADITIONALIST | 2 RELIGIOUS | 4 HUMANIST | 1 ELITIST |
|---|---|---|---|---|
| 1. Single Provincial System | 9 | 10 | 2 | 10 |
| 2. Status Quo | 4 | 8 | 1 | 8 |
| 3. Limited Support | 8 | 7 | 3 | 4 |
| 4. Fees Deductibility | 10 | 9 | 8 | 3 |
| 5. Taxable Grants | 6 | 3 | 5 | 6 |
| 6. Partial Funding | 7 | 5 | 9 | 2 |
| 7. Partial Funding — Cap | 3 | 8 | 7 | 9 |
| 8. Associated Schools | 1 | 1 | 4 | 5 |
| 9. Vouchers with Cap | 2 | 2 | 6 | 6 |
| 10. Vouchers | 5 | 4 | 10 | 1 |

*NOTE:* It would not be sensible to combine these rankings as "traditionalists" and "humanists" (i.e. the those generally represented by Mrs. MacIntyre and Mr. Thomas,) are much more numerous than the "religious" and "elitist" groups.

It would appear that options #2, #3, #5, #8, and #9 are those that would receive least opposition.

### Appendix F

# "ALTERNATIVE METHODS OF FINANCING PRIVATE SCHOOLS IN ONTARIO"

Stephen Lawton

**January 31, 1985**

This study was funded under contract by the Commission on Private Schools in Ontario.

This study reflects the views of the author and not necessarily those of the Commissioner.

# ABSTRACT

Were the government of Ontario to offer funds to private schools in the Province, how might it do so and how much might it cost? This paper provides a number of answers to these questions, all within a framework that views government as having three major economic roles — allocation, stabilization, and redistribution — and that distinguishes government funding from government operation, and private funding from private operation.

To provide the data needed to develop cost estimates, a survey was conducted of 1 in 4 private schools in Ontario. Of the 130 questionnaires mailed, 55 (or 42 percent) were returned.

It was concluded 1) that types of possible aid differed by the form of aid (direct payment, provision of goods and services, exemptions from tax, tax deductions, and tax credits) and by recipient (children, parents, benefactors, staff, schools, and school systems); 2) that current indirect forms of aid (e.g., property tax exemptions and tax deductions) are equivalent to approximately one-sixth the expenditures per pupil in private schools; and 3) that an extension of further aid could only be defended (in economic terms) on the basis of government's role in redistributing wealth and income in society.

Assuming government were, on the basis of equity or other arguments, to extend further aid to private schools, three types are suggested as being most practicable and defensible:

1) provision of textbooks and equipment to private school pupils;

2) provision of free transportation to private school students on the same basis it is made available in school boards; and

3) "pooling" the property taxes of parents with children in private schools, with these funds to be allocated to private schools on an equitable basis. The total cost of these proposals would be approximately $35,000,000 per year. It is also suggested that allowing all private school systems (e.g., the Board of Jewish Education, the Ontario Alliance of Christian Schools) the option of becoming publicly operated school boards under the *Education Act* would be consistent with the extension of public funds to private schools and the government's recent decision to allow private Roman Catholic secondary schools to become part of the Roman Catholic separate school system. This option could cost as much as $200,000,000 per year.

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# TABLE OF CONTENTS

Abstract 154
Acknowledgements 155
List of Tables 157
Introduction 158
Economic Functions of Government 159
Forms of Aid 162
  Recipients 162
  Type of Aid 162
Survey of Private Schools 165
  Selection of Sample 165
  Questionnaire Design 165
  Administration of Questionnaire 165
  Description of Actual Sample 165
  Description of Questionnaire Results 169
The Cost of Providing Aid 176
  Current Programs of Aid 176
  The Cost of Full Funding 177
  The Cost of Different Forms of Aid 178
Transitional Costs of Providing Aid 181
Discussion, Conclusion, and Recommendations 182
Addendum 183
Footnotes 185
Bibliography 187
Appendix A 189

# LIST OF TABLES

Table No.

1 Production and Purchase of Education in Ontario, 1984 160

2 Description of Private Schools in Ontario: Population, Target Sample and Actual Sample 166

3 Grade Distribution of Schools in Sampled Population, Target Sample and Actual Sample 167

4 Distribution of Elementary and Secondary Schools in Sampled Population, Target Sample and Actual Sample 168

5 Affiliation of School in Sampled Population, Target Sample and Actual Sample 168

6 Distribution by Region of Schools in Sampled Population, Target Sample and Actual Sample 169

7 Average Revenues for Private Schools in Ontario for Last Fiscal Year Based on Sample Data 170

8 Average Expenses for Private Schools in Ontario for Last Fiscal Year Based on Sample Data 170

9 Student Fees and Awards 171

10 Teaching Staff Salaries 172

11 Size, Revenues, Expenditures, Enrolment and Salaries by Type of School 172

12 Private School Facilities 173

13 Transportation of Private School Pupils 174

14 Enrolment Projections in Private Schools 174

15 Estimated Income of Families with Children in Private Schools 175

16 Percentage of Schools Registered as Charities 175

17 Schema for Different Types of Aid to Private Schools 178

# INTRODUCTION

How much financial aid is government (federal and provincial) currently providing private schools in Ontario? How much would it cost for government to fully fund private schools in Ontario? What methods can government use to allocate funds to schools?

These are easy questions to ask, but they have been difficult to answer in large part due to a lack of adequate data. Indeed, aside from a listing of private schools registered with the Ontario Ministry of Education[1], which includes statistics on the number of pupils enrolled, the number of full-time staff, the number of part-time staff, and the religious affiliation of the school, there are virtually no existing statistics on which estimates of the various costs noted above could be derived. It is for this reason that this study entailed a questionnaire survey of a sample of private schools requesting data needed to make estimates.

As important as statistical data is the conceptual framework within which one works; the framework conditions not only the types of data sought, but the character of answers given. In this regard, the author takes a standard approach referred to as "welfare economics" in which the government's objective in setting a public policy is to maximize a given "social welfare function".

That is, it describes how it can best exercise its fiscal powers to maximize the benefits and minimize the costs to the public associated with the public policy.[2]

This paper, then, is organized in the following manner. First, there is a brief review of the economic functions of government viewed from within a framework of welfare economics. This is followed by an outline of methods by which governments can (and have) funded private schools. Second, the results of a survey of a sample of private schools in Ontario are reported. The questions themselves were determined by the framework and options developed in the preceding section. Third, cost estimates are derived for the various options for funding private schools in Ontario. Finally, the various options are discussed and arguments given for and against various options.

# ECONOMIC FUNCTIONS OF GOVERNMENT

A discussion of the economic functions of government is an appropriate place to begin this discussion of methods for funding private schools for several reasons. First, governments' traditional legislative, executive and judicial functions have been supplemented by an economic responsibility of equal magnitude. Second, education is seen as playing an important, and perhaps increasing, economic role in society. And third, financing education, including possibly private schools, clearly involves fiscal and therefore economic matters.

One useful typology of government economic activity holds that government has three economic functions: allocation, distribution, and stabilization.[3] In carrying out the first activity, governments must decide what activities are to receive public funds and which are not. In carrying out the second, governments redirect income and wealth from one segment of the population to another. In carrying out the third, governments use their fiscal policies (and at the federal level levers such as the bank rate and amount of money in circulation) to maintain, as best they can, low rates of unemployment and a high degree of price stability. Also under the heading of stabilization comes the objective of economic development, which is in effect increasing the level of economic activity in a manner that is self-sustaining; i.e., in a manner that contributes to the generation of wealth. This last point becomes of critical importance when we turn to the role of education in economic development at a later point.

Education, in fact, calls for all three types of economic activity on the part of government. Governments must decide how much public money should be allocated for schooling; how the service should be "distributed" (to all, regardless of income, or to the few); and how large the whole enterprise is to be. At present, public education (including both "public" boards of education and "separate" school boards in Ontario) receives a great deal of support from local and provincial governments, and modest support from the federal government; it is available to all; and in most communities it is a large, if not the largest, single source of employment. As well, according to the tenets of human capital theory, it is a major (perhaps the major) contributor to the maintenance and growth of the nation's economy.[4]

Another particularly important distinction must be made, given the current topic, concerning the allocation of goods and services; that is the distinction between government *funding* (or provision) and government *production*. When government provides a good or service, it provides the funds necessary to *pay for* the good or service, but it may or may not *produce* the good or service in question. For example, school buildings and highways are typically produced by private businesses, though paid for out of government funds. When government produces a good or service, on the other hand, it may or may not charge for this service. The postal service and Ontario Hydro, for example, are expected to be self-supporting. Universities in Ontario charge fees meant to cover about one-sixth of the full cost of education to Canadian students and landed immigrants, but charge fees meant to recover two-thirds of the full cost to most students studying on student visas.[5]

Thus, when we talk of government and education, four combinations are possible:

1) government funding and government production
2) government funding and private production
3) private funding and government production
4) private funding and private production

Based on statistical data reported later, we estimate the four categories of funding and production to be approximately as follows, counting only *direct* government funding (i.e., excluding tax deductions, exemptions, and other forms of indirect support).

Table 1 clearly reveals the dominance of publicly funded, publicly operated education in Ontario, though it may be noted that from an international perspective Ontario's support of Roman Catholic schools is viewed as support of private schools because of the separate schools' denominational nature.[8] In fact, the line between what is private and what is public education is clear only in the ideals (and rhetoric) of 19th century reformers who sought non-sectarian, often national, systems of education.[9] In Ontario, at least, the confluence of the ideals of religious education *and* locally elected school boards gave rise to a public system of education that retains certain theocratic elements.[10] For the purposes of this study, public and separate school boards are collectively viewed as the public education system of Ontario.

Privately produced, privately funded education, even including the now private Roman Catholic secondary schools, is modest by comparison, representing an expenditure equal to only 3 percent of the public expenditure on the public system. After the expansion of the separate system is complete, private expenditures on private education will constitute less than 2 percent of the public expenditure for public education.

*Table 1*
*Production and Purchase of Education in Ontario, 1984*

| | Privately Purchased Goods (Private Goods & Services) | Goods Provided through Govt. Budgets (Social Goods) |
|---|---|---|
| Public production, millions of dollars | $ 18[a] | $6,300[b] |
| Private production, millions of dollars | $ 193[c] | $ <1[d] |

[a] The only category included here are fees paid by "visa" students. There are an estimated 4500 visa students enrolled in Ontario public secondary schools. Costs average about $4,000 per year. Excluded are fees paid by continuing education students in programs not fully covered by grants or local taxes and "private" funds raised by schools for extra-curricular activities or special school facilities since no province-wide data on these exist. A recent B.C. study suggested private funds to public schools in that province totals about 15 million dollars; given Ontario has just over three times B.C.'s population, 50 million dollars in private funds may go to Ontario's public and separate schools each year. See K. Salloum and N. Robinson, "Public Education-Private Subsidy", *The B.C. Teacher.* December/January, 1985. pp. 37-39.

[b] Based on public statements by the Commissioner on School Finance, Dr. Ian McDonald. This figure represents approximately a 6% increase over Ministry of Education 1983 estimates.[6]

[c] Based on survey estimates of a cost of $2,310 per pupil in private schools (see tables 2 and 8) and enrolment of 83,643.[7] Once 30,485 Roman Catholic secondary students are transferred to the publicly funded and operated systems, this figure would drop to an estimated $122 million.

[d] Numerous private schools in the sample reported Federal French Language grants. In all cases, these averaged less than $4 per student enrolled. One reported receipt of a grant for teaching another language from a federal ministry. Under current regulation, Ontario school boards cannot pay tuition for pupils in private schools, though it can purchase "services" that might include some instruction. No statistics are available on the latter expenditures. Knowledgeable officials indicate they are quite modest.

The private purchase of public education in Ontario is notable since it reflects, for the most part, students from abroad who have come to study in Ontario, thereby adding to the Province's economy. As well, perhaps 5 percent of privately produced education in Ontario is also purchased by these "visa" students. In all, such overseas students provide a boost of about 80 million dollars to Ontario's economy.[11]

Very little in the way of public purchase of private education apparently occurs in Ontario. The majority of this (estimated by the author at $320,000 but by others as up to $700,000) is in the form of French language instruction grants from the federal government.[12] Excluded here, however, is the purchase of care in special institutions by the Ontario Ministry of Community and Social Services. This latter figure was not determined, but is relevant to the possible transfer of responsibility for these individuals to the Ministry of Education under Bill 82, which requires school boards to meet the special education needs of all school age residents within their jurisdictions.

In terms of Table 1, then, public funding of private schools would imply that government has decided either to pay for the education of students at privately operated schools which have heretofore been funded privately (i.e., move funds from cell c to cell **d** in Table 1) or has decided to shift the production of some publicly funded, publicly operated education to privately operated schools (i.e., move funds from cell **b** to cell **d** in Table 1). The proper criteria for assessing such a step and the particular methods used to implement it include their effects on the allocation, distribution and stabilization functions of government. For example, if private production of education is more efficient than public production (as some have suggested), then a move to expand enrolment in privately operated schools may reduce the cost of education to society; if some in society gain more than others from this step, then the distribution of educational services may be less equitable; if there is a shift in employment from one group or community to another, then the stability of local economies and rates of unemployment may be affected.

These three criteria are not sufficient, however, to judge the wisdom of shifting expanding public funding of private schools. The key criterion is the social objective which the government seeks to achieve. That is, in carrying out a reallocation of public funds, is it trying to achieve greater equity or is it more concerned with stabilizing — or expanding — the economy?

First, let us assume government is primarily concerned about reducing the currently high rate of unemployment by expanding the economy. Further, let us assume it believes a reduction in the public deficit is advisable. In this case, a policy aimed at shifting enrolments from the public schools to private schools and reducing the number of private school students returning to the public system could be justified if it could be accomplished without losing the advantage of lower costs in private schools. If it was further believed that private schools are more effective at inculcating the knowledge, skills and values needed for a more productive economy, then such a policy could be justified even if there were no savings.

Most would hold the scenario just outlined would reduce equity, in that the public schools would be left with the less able students.[13] Under the above assumptions, equity could only be increased if a policy to fund private schools a) sought to stem any flow out of the public systems; b) sought to encourage students to move from private schools to public schools; c) sought to "teach" the public schools to be as efficient and as effective as private schools; and d) offered aid only to private schools whose quality was less than that of neighbouring public schools.

Thus, one's social objectives along with one's beliefs about the efficiency and efficacy of private schools relative to public schools conditions the type of stance one takes vis-a-vis the extension of public funding to private schools. Before pursuing this issue further, an overview of different techniques for funding private schools will be presented.

# FORMS OF AID

There are two dimensions that appear to characterize the forms that aid to private schools can take. First, there is the question of who receives the aid; second, is the question of the type of aid that is given. The total number of the combinations and permutations of recipients and types of aid is virtually unlimited; thus this discussion is limited to examples of the more commonly discussed arrangements, with special note of those that currently apply in Ontario.

## Recipients

Recipients can be placed into six groups: children, parents, benefactors, staff, schools and school systems. Dual registration of a private school student in a public or separate school for vocational training without charge would be an example of the first; vouchers provided to pay for the education of their children in the school of parents' choice would be an example of the second; tax deductions for gifts by individuals to a school (or agency supporting a school) would be an example of the third; grants to teachers to supplement teachers' salaries to bring them up to the level of publicly employed teachers would be an example of the fourth; direct per pupil payments to a school would be an example of the fifth; and per pupil payments to a body that operates or oversees a group of affiliated schools would be an example of the sixth.

## Type of Aid

Five categories of aid have been identified in the course of this study; a sixth mode of accomplishing perhaps similar results will also be described. The five major categories are 1) direct payments by government; 2) provision of goods and services in kind; 3) exemptions from taxes; 4) allowance of tax deductions; and 5) allowance of tax credits. The sixth vehicle for "aid" to private schools entails raising the cost of publicly operated schools by charging fees to students who attend publicly operated schools.

Direct payments, the first option, are most often made to parents, staff, schools, or school systems. In their structure, many of the techniques currently used to fund publicly operated schools may be used; e.g., flat grants, foundation grants, equalization grants, matching grants, and the like. For example, in the case of staff, a grant might be based on the difference between a staff member's current salary and the salary he or she would be paid either a) on average in the Province, or b) on average in the local public and separate boards, given the same qualifications and experience. In the case of schools, a modified form of the Ontario Mill Rate Equalization Grant Plan might be used, with a school's revenue from tuition, grants from other bodies, endowment, and the like being used in place of the revenue raised by the basic levy required for full grants in the grant regulations. The same technique could apply to the funding of a system of private schools, in which their collective income (rather than individual school incomes) were assessed. Variations on both these latter schemes are used in Australia where a School's Recurrent Resource Index (SRRI) is derived by the formula:

$$\text{SRRI} = \frac{\text{Private Resources Available}}{\text{Total Resources Required to Operate at Standard Government School Costs}} \times 100$$

and then used to classify a school into three (formerly six) subsidy categories. In 1983, the highest level of subsidy was set at 40 percent. Under this plan, all Roman Catholic schools were treated as one body. Presumably, governors of this system of education could then ensure that the largest amounts of aid (even in excess of the overall 40 percent figure) would go to schools needing it.

In recent years, the most widely discussed form of grants to parents has been the idea of giving them vouchers which would be turned in to school authorities when a child is registered in school. These vouchers would then be redeemed by school authorities for their cash value. Voucher plans come in many varieties — regulated and unregulated; equalized and non-equalized. A regulated voucher is one that might be good at only certain types of schools (e.g., those deemed to use acceptable educational practices); equalized vouchers are those that vary with family need: poorer families receive vouchers worth more than wealthier families since it is unlikely that the former would be able to supplement the voucher with their own contribution to a school's tuition.[15]

Cash grants, less often mentioned in the literature, would presumably be given only to parents with children enrolled in private schools, since parents with children in public schools already obtain the benefit of government supported education. The amount of the grant might be fixed, related to family income, to tuition paid, or to property taxes paid in support of the publicly operated system in order to eliminate what some claim to be "double taxation". One form of cash grant, namely the $100 award accompanying a student being designated an Ontario Scholar, is in fact already available to private school students in Ontario. Subsidies are also available to private school pupils engaged in Ontario's international student exchange program. However, neither of these special programs are meant to subsidize the basic education of these students.

Provision of goods and services is a form of aid usually provided either a school, a school system, or pupil. Ontario already provides a host of free services or goods to private schools without charge, including

— free copies of curriculum guidelines and materials

— seminars for principals at times of major policy changes such as OSIS
— access to single copies of free texts under the book purchase plan
— access to Ontario's teacher exchange program *without* the subsidy available to assist the travel
— distribution of all pertinent policy and safety memoranda
— publishing and distributing lists of private schools

As well, nominal charges are made for other services, such as use of the computerized guidance system, SGIS, and inspection for the purpose of being authorized to grant Ontario graduation diplomas.[17]

Additional goods and services that could be provided private schools include the provision of (secular) textbooks and library books, complete testing and guidance services, psychological services, media equipment and materials (either on loan or as gifts) and so on. Already, some private schools purchase some of these from public and separate school boards; particularly notable is the rental of school buildings made vacant by enrolment declines.

Students could be the primary beneficiaries of certain other goods and services. Transportation is one major service that might be provided. Indeed, already private school students in Ontario are entitled to lower student fares on public transit and some private schools have arranged, on a fee-paying basis, to have their pupils carried on regular school buses. However, as will be made clear later, most private school students must arrange their own transportation to school.

Tax exemptions (that is, not having to pay a specific tax) are a form of *indirect* rather than direct aid by government to individuals or institutions. Also referred to as "tax expenditures", indirect forms of aid do not appear in the government's budget since the revenue they represent was never collected. At various times, proposals have been made to eliminate tax exemptions to various public and private institutions (including those for property tax on the properties of public and separate schools, churches, and private schools) and to replace them with a system of direct government grants to the institutions to offset the cost of the taxes. Supporters of such a reform argue that by making tax expenditures visible in the government's budget they will receive closer scrutiny and that the tendency of governments to add continually to the list of exempt properties will be curtailed. Other forms of indirect aid, incidentally, include tax deductions and credits, subjects which will be discussed separately.

At present, non-proprietary (i.e., not for profit) private schools are exempt from property taxes; formerly, at the time public and separate schools were exempt from the sales tax, private institutions also enjoyed this exemption. As nonprofit institutions and, usually, registered charities, private schools' endowments can earn tax free profits; as well, if an annual operating profit is made, these too are tax exempt.

In theory, at least, exemptions to private schools might be extended. The exemption to sales tax could be restored or their employees could be allowed to receive part of their salaries as tax exempt payments (much as politicians have arranged for themselves) in order to offset the "deemed" donation they make to their institutions by accepting lower salaries.

Tax deductions, which are variable amounts subtracted from total income before income tax is computed, are one of the most widely discussed options for offsetting the cost of private schooling to parents. They are also relevant to benefactors, who may subtract donations to charities (including either private schools themselves or associated organizations such as churches that subsidize schools). Much of the literature on this topic is from the U.S. where problems with the judicial interpretations of the constitutional amendment upholding the separation of the church and state have made tax deductions seem one of the few possible vehicles for indirectly routing funds to support private (and especially private religious) schools. Given Canada's different legal and constitutional arrangements, much of this literature is of little relevance. Nevertheless, various ideas on the topic are worthy of note.

First, straight tax deductions (say for the full cost of tuition) are notoriously regressive in their effect. That is, they favour higher income individuals far more than lower income individuals. Second, individuals must be able to pay the tuition and forego use of the value of the deduction for a full tax year before they recover it in the form of lower taxes. Thus, the effective decrease in the price of private schooling is obscured, a fact that may discourage parents from selecting private schools (a matter of importance to those who see increased choice and competition as the *raison d'être* for funding private schools).

Deductions can, of course, be made more equitable. First, they can be restricted to relatively modest amounts — say $500. This ensures that high income individuals paying very high tuitions to elite institutions do not enjoy the bulk of the benefits. Also, deductions can be made "refundable". That is, if they more than offset taxes owed, the balance can still be "refunded" by the government. To calculate this amount, one would have to figure the tax payable without the deduction and subtract this amount from the total allowed value of the deduction; this balance would be paid by government to the individual.

Deductions to benefactors are unrelated to matters of tuition. Generally, they are made to schools or their supporting organizations which are registered as charities; their size is unlimited. For members of a religious community who have children of school age and who have a school supported by the church, large numbers of benefactors (or a few very generous benefactors) can greatly reduce the size of tuition since the church subsidizes the school. At the same time, the "tax expenditure" represented by the lost income to government by virtue of the charitable gifts means that government, both federal and provincial, is an arms-length partner in the enterprise. In the past, larger religious communities, such as the Roman Catholic community, seemed to be the primary beneficiary of arrangements such as those described. However, with the recent decision of Justice Francis C. Muldoon in the McBurney case, the benefits apply to parents belonging to even small religious communities which support one or more schools, assuming of course they wish their children to attend these schools.[19]

Another form of tax deduction is that for tuition paid by a student. Normally, this is associated with post-secondary students; however, it is possible for parents to loan funds interest free to children over 18, and for these youth to deduct their private secondary school tuitions from the interest earned on the loans before taxes are paid. For younger children, it is necessary to set up a trust in their name. Income from such a trust is taxable in the child's name, so expenses including private school tuition, summer camp, and music lessons can be provided at far less cost in terms of after-tax dollars than would be the case for the parent or relative (who would no doubt enjoy a rather high income in order to capitalize such a trust) who set up the trust.

Tax credits are in many ways similar to tax deductions. Indeed, the literature often treats the two interchangeably, and some argue that it is a distinction without merit. In practice, at least, tax credits are applied after income tax has been computed and are applied to reduce the tax payable (rather than the income on which the tax is paid).

A good example of a tax credit which has been designed to be progressive (rather than regressive as a flat tax credit would be) is the Ontario Property and Sales Tax Credit. To make it progressive, one subtracts two percent of one's income from the calculated value of credit; for higher income people this will reduce or cancel the credit altogether. At the other end of the spectrum, this credit is refundable; i.e., a low income person with no taxable income can generate a refund from government. One could imagine a modification of this credit to enrich it for those whose children attend private schools by allowing these individuals to add tuition paid (up to some maximum) to the property taxes paid. This then would provide them a larger tax credit, assuming that their income was not too high, or a larger refund, if their income was low.

Tax deduction or tax credits are as applicable to corporations as individuals. If a corporation donates to a charity (say a private school) it can deduct the expense. The amount that its taxes are reduced by doing so reflects a tax expenditure by government that is as valuable to the school as a direct grant from government would be.

The inclusion of refundable tax credits and deductions in this discussion blurs the line between these and government grants. Why should a low income person who will have a large tuition "refund" under a tax credit plan have to wait a year? Why not give a grant — probably a taxable grant or voucher — in the first place? Even if such grants went to high income individuals as well, a progressive system of income taxation could ensure that benefits were captured by those most in need. Chris Burke, in a series of articles in the *Globe and Mail* concerned with the equity of the current income tax system, suggests the use of "a scheme that could be called the 'clawback'. It would involve taxing these payments at higher than usual rates."[20] In practice, one might provide all families with private school pupils taxable grants of say up to $500 per pupil to offset tuition, but would tax these families on, say, 150 percent of this grant; "the effect would be to exaggerate the basic progressivity of the tax system, not costing the poor anything, but clawing back a good proportion of the payments from the rich."[21]

Quite different from all of the proposals above are those by economist E.G. West in *Nonpublic School Aid*. In effect, he advocates that all future increases in publicly operated schools' expenses be funded by fees charged to the parents of the students in order to narrow the gap in the price of education between public and private schools. He argues this would have the same economic effect as providing funds to parents of those in private schools in order to offset tuition, but would do so in a way that 1) would ensure the value of such grants were not used to raise costs rather than lower tuition and 2) would minimize the need for government regulation of private schools.

By implication, public schools offer families benefits that should be taxable benefits. In theory, a combination of fees for public schools and taxes on the benefits of free schooling would be more equitable in that the $3,000-$4,000 benefit of each child's education would be taxed progressively, rather than being received as a tax-free benefit from society. Extra revenue from this source would allow government to lower income tax rates, offsetting the fees paid by low-income individuals. As well, both parents with children in publicly operated and private schools could argue they were double taxed! In any case, the moderate income family, who under this scheme would be paying fees plus perhaps $2,000 in taxes for the benefit of a public or separate school education for their child, might find the extra cost of a private school reduced to an amount worth the marginal expense.

West, it might be added, believes that public school systems are operated to benefit bureaucrats and teachers, and not the public.[22] In terms of Table 1 (page 6), he would rather see public schooling moved in the direction of cell **a** from cell **b** rather than to have private schooling moved from cell **c** to cell **d**. He fears that the latter move would be the first stage in making private schools into public schools; i.e., placing them, too, in cell **b**.[23]

# SURVEY OF PRIVATE SCHOOLS

To estimate the cost of various funding proposals outlined in the preceding section, a questionnaire survey was conducted of a sample of private schools in Ontario. This section describes the sample selection, the questionnaire used in the survey, and the survey results.

### Selection of Sample

The sampling process involved four steps: defining the population, selection of a sampling frame, selection of the sample size, and selection of the sample of schools to receive questionnaires.

The definition of a private school used in Ontario's *Education Act* was accepted as the appropriate definition of the members of the population to be studied. This definition reads,

> "private school" means an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined (elsewhere) in this section.[24]

Every private school is required by the *Act* to submit an annual "intention to operate" by the 1st of September in a given year.

The sampling frame for this study was the list of private schools in Ontario on record as of July 1, 1984, which included 519 schools in operation (as opposed to new schools opening in 1984/85 or awaiting Ministry approval, both of which were excluded from the sample).[25] Thus, new schools or schools which failed to give proper notice to the Ministry were excluded from the study. As well, one further condition was imposed; namely, that enrolment and teaching staff data had to be available from the schools' September 30, 1983 reports submitted to the Ministry.[26]

A sample size of 130 (or 1 in 4 schools) was selected. This size was viewed as adequate to estimate key parameters in the study with sufficient precision to draw valid conclusions, even if the return rate was relatively low (e.g., 50 percent).

The target sample was drawn using systematic sampling with a random start. The sampling interval, k, was 4 (since 519/4=130).

In practice, a random number table was used to select a digit between 1 and 4 to begin the sample, then every fourth school thereafter was selected, as long as enrolment and staff data were available. When such data were missing, the subsequent school was selected.

### Questionnaire Design

The purpose of the questionnaire was to collect statistical information needed to estimate both how much government was currently contributing to private schools (directly and indirectly) and to estimate the cost of the various financing options. The author's knowledge of current grant regulations and school budgeting was used to develop an eight-part questionnaire which was vetted by the Commissioner and several leading proponents of private schools. The eight sections included:

A. Description of the school (e.g., enrolment, full-time equivalent (FTE) staff, grades enrolled, and affiliation)

B. Revenues and expenditures for last fiscal year

C. Student Fees and Awards

D. Teaching Staff Salaries

E. Facilities (including cost and quality)

F. Student Transportation (including mode and distance)

G. Enrolment capacity projections

H. Income of families served and charitable status of the school

The complete questionnaire is reproduced as Appendix A.

### Administration of Questionnaire

Administration of the questionnaire involved three steps, all during October 1984. First, leaders of five key organizations with which private schools in Ontario are affiliated (e.g., the Ontario Alliance of Christian Schools, the Board of Jewish Education, the Conference of Independent Schools) were contacted, informed of the survey, and sent sample copies of the questionnaire. Second, copies of the questionnaire and covering letter were mailed to all 130 schools in the sample. Finally, two weeks later, a follow-up letter was sent to all 130 schools requesting prompt return of the completed survey. Follow-ups were sent to all 130 schools since no coding or numbering of the questionnaires was done in order to ensure participants anonymity.

On return of the questionnaires, data were keyed for analysis using SPSS-X. Data sets on school enrolments, staff and affiliation were also prepared for the entire sample and population.

### Description of Actual Sample

Tables 2 through 6 provide key statistics for the sample of 55 schools that actually returned questionnaires, as well as the values for the same variables for the target sample and the population. In this way, it can be determined if there is a bias in the actual sample, and if so, the magnitude and direction of this bias.

Table 2, row 1 indicates that data were available for 95 percent of the sampled population (as defined by the sampling frame), that the target sample constituted 25 percent of the population, and actual sample just 10.6 percent. The latter two figures indicate that the overall return rate was 42.3 percent, lower than had been expected (though somewhat better than the 35.4 percent that was reported in one recent major U.S. study of private schools).[27]

Comparison of enrolment statistics (Table 2, row 2) indicates that the sample drawn was quite representative of the population, but that the actual sample is biased toward larger schools. Indeed, the average school in the final sample, with an enrolment of 227, is about 40 percent larger than the average school in the population. The percentile data (row 2d) indicate that most of the bias is due to the omission of very small schools. In the population, the school at the 25th percentile has an enrolment of 27; in the final sample, an enrolment of 93. This latter figure exceeds the enrolment of the school at the 50th percentile of the population.

The bias toward schools with larger enrolments is also evident in the data on teaching staff, where the mean for the actual sample is 14.4, that for the sample selected 9.7, and that for the population 10.9.

The bias toward larger schools is of most importance when one is measuring totals. For example, if one were to estimate the total numbers of students enrolled in private schools from the final sample, one would get an excessively high estimate:

$$(226.82 \times 55)/(10.6/100) = 117{,}690.$$

The correct figure for September 30, 1984 was 83,643.

*Table 2*

*Description of Private Schools in Ontario: Population, Target Sample and Actual Sample*[a]

| | Sampled Population (n = 493) | Target Sample (n = 130) | Actual Sample (n = 55) |
|---|---|---|---|
| 1. Percent of Total Pop. | 95.0% | 25.0% | 10.6%[b] |
| 2. Enrolment | | | |
| a. Mean | 160.78 | 154.89 | 226.82 |
| b. Minimum | 5.0 | 6.0 | 7.0 |
| c. Maximum | 1241.0 | 862.0 | 1502.0 |
| d. Percentiles | | | |
| 25th | 27 | 28 | 93 |
| 50th | 79 | 89 | 142 |
| 75th | 206 | 202 | 285 |
| 3. FTE Staff | | | |
| a. Mean | 10.88 | 9.71 | 14.35 |
| b. Minimum | 1.0 | 1.0 | 1.0 |
| c. Maximum | 100.0 | 48.0 | 74.0 |
| d. Percentiles | | | |
| 25th | 3 | 3 | 5 |
| 50th | 6 | 7 | 9 |
| 75th | 13.0 | 13.0 | 15 |
| 4. PTR (2a/3a) x 100 | 14.8 | 16.0 | 15.8 |
| 5a. Total Enrolment (2a x n) | 79,265 | 20,136 | 12,475 |
| b. % of Pop. | 94.8% | 24.1% | 14.9% |
| 6a. Total Staff (3a x n) | 5,364[c] | 1,262 | 789 |
| b. % of Pop. | ? | ? | ? |

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[a] The July 1, 1984 listing of private schools includes 519 schools in operation. There were 493 schools in the July 1 listing for which enrolment and staffing data were available on the September 30 school reports. See footnotes 25 and 26.

[b] Overall rate of return was therefore 42.3 percent.

[c] Sept. 30, 1983 data report 507 schools, 3370 full-time staff, 3923 part-time staff and 83,643 pupils. If part-time staff are all counted as .5 FTE, an estimate of 5332 FTE staff is arrived at in these schools, or 5646 in the 519 schools listed on July 1, 1984.

On the other hand, estimates of ratios, such as the pupil teacher ratio (PTR), tend not to be so biased. As seen in row 4 of Table 1, the estimated PTR from the actual sample is 15.8, not significantly different from that calculated from data for the target sample, and one pupil higher than the 14.8 calculated for the population from data on schools available from the September 30 reports.

The total number of full-time equivalent staff is difficult to determine from both Ministry data or our survey data, albeit for different reasons. In the first case, staff are recorded as either full-time or part-time; the percentage of time for the latter is not recorded or reported. In the analysis done here, it is assumed each part-time employee is a half-time person. For the survey, the number of FTE was requested. Here, however, we are confounded by the upward bias in the size of the school if staffing data are used to estimate an overall figure. In any case, all estimates are between 5294 and 5646 FTE. *For estimates in this study pertaining to teaching staff, a figure of 5500 FTE will be used.*

Table 3 compares the grade organization of the schools in the population, the target sample, and the actual sample. Of particular note is the large variety of combinations; in all, we counted 74 different grade structures (including ungraded schools) among the 493 schools in the sampled population. Of these, 21 types appeared in the final sample, including the categories of "other elementary" (including JK to 8), "other elementary/secondary", and "other secondary" (including grades 9 to 13). Note that a school with grades 7 to 12 would be considered other "elementary/secondary", as one example.

*Table 3*
*Grade Distribution of Schools in Sampled Population, Target Sample and Actual Sample*

| Grades[a] | Sampled Population (n = 493) |  | Target Sample (n = 130) |  | Actual Sample (n = 55) |  |
|---|---|---|---|---|---|---|
|  | n | % | n | % | n | % |
| 1-8 | 84 | 17.0 | 13 | 10.0 | 5 | 9.1 |
| 11-13 | 72 | 14.6 | 18 | 13.8 | 5 | 9.1 |
| K-8 | 50 | 10.1 | 14 | 10.8 | 17 | 30.9 |
| JK-8 | 27 | 5.5 | 9 | 6.9 | 1 | 1.8 |
| 9-13 | 14 | 2.8 | 3 | 2.3 | 2 | 3.6 |
| 9-12 | 14 | 2.8 | 4 | 3.1 | 4 | 7.3 |
| JK-6 | 11 | 2.2 | 4 | 3.1 | 1 | 1.8 |
| 7-13 | 9 | 1.8 | 3 | 2.3 | 1 | 1.8 |
| K-11 | 8 | 1.6 | 3 | 2.3 | 0 | 0.0 |
| 12-13 | 7 | 1.4 | 3 | 2.3 | 1 | 1.8 |
| JK-12 | 7 | 1.4 | 2 | 1.5 | 1 | 1.8 |
| JK-4 | 7 | 1.4 | 2 | 1.5 | 1 | 1.8 |
| K-12 | 7 | 1.4 | 1 | 0.8 | 3 | 5.5 |
| 1-7 | 7 | 1.4 | 3 | 2.3 | 0 | 0.0 |
| JK-1 | 7 | 1.4 | 2 | 1.5 | 0 | 0.0 |
| 1-10 | 6 | 1.2 | 3 | 2.3 | 0 | 0.0 |
| JK-13 | 5 | 1.0 | 1 | 0.8 | 0 | 0.0 |
| 11-12 | 5 | 1.0 | 1 | 0.8 | 0 | 0.0 |
| Other El. | 60 | 12.2 | 21 | 16.2 | 5 | 9.1 |
| Other El./Sec. | 78 | 15.8 | 17 | 13.1 | 8 | 14.5 |
| Other Sec. | 8 | 1.6 | 3 | 2.3 | 0 | 0.0 |
| Total | 493 | 99.6[b] | 130 | 100.0 | 55 | 99.9[b] |

[a] In order of frequency in sampled population. Grades JK to 8 are considered elementary; 9 to 13 secondary.

[b] Percentages do not sum to 100 due to rounding errors.

The sample of responding schools reveals a bias, here, as it did with size. In particular, K to 8 schools seem to be over-represented by a factor of 3, while other grade school options, such as JK to 8, seem under-represented. Perhaps a better representation of the levels of the schools in the study is given in Table 4 where they are grouped into three categories: elementary, elementary/secondary, and secondary. This table suggests that the final sample (as well as the target sample) is well representative of the population, with about half of all schools in the elementary category, and about a quarter each in the elementary/secondary and secondary categories.

Affiliations of the schools in the population, target and final samples are reported in Table 5. In this case, four columns are shown, with the last expressing the number of schools in the final sample affiliated with a given religion or group as a percentage of the number of schools in the target sample affiliated with a given religion or group. Since the overall return rate was 42.3 percent, an unbiased representation of a group in the final sample would be reflected a percentage of 42.3 in the fourth column. In fact, then, the sample has some notable biases in terms of the affiliation of the schools, with Roman Catholic, Jewish, Amish/Mennonite, and non-sectarian schools being under-represented and Ontario Association of Christian Schools, Anglican, Canadian Reformed and United Church schools being over-represented. Only Baptist and Seventh Day Adventist schools appear to be proportionately represented. Note, too, that it was possible in this table for a school to be placed in more than one category.

*Table 4*

*Distribution of Elementary and Secondary Schools in Sampled Population, Target Sample and Actual Sample*

| Category of School[a] | Sampled Population | | Target Sample | | Actual Sample | |
|---|---|---|---|---|---|---|
| | n | % | n | % | n | % |
| Elementary | 253 | 51.3 | 68 | 52.3 | 30 | 54.5 |
| El./Sec. | 120 | 24.3 | 30 | 23.1 | 12 | 21.8 |
| Secondary | 120 | 24.3 | 32 | 24.6 | 13 | 23.6 |
| Total | 493 | 99.9[b] | 130 | 100.0 | 55 | 99.9[b] |

[a] Grades JK to 8 are considered elementary; 9 to 13 secondary.

[b] Percentages do not sum to 100 due to rounding errors.

*Table 5*

*Affiliation of School in Sampled Population, Target Sample and Actual Sample*

| Affiliation | Sampled Population | | Target Sample | | Actual Sample | | Actual Sample as % of Target Sample |
|---|---|---|---|---|---|---|---|
| | n | % | n | % | n | % | |
| R.C. | 78 | 15.8 | 19 | 14.6 | 5 | 7.7 | 26.3 |
| OACS | 66 | 13.4 | 18 | 13.8 | 15 | 23.1 | 83.3 |
| Jewish | 17 | 3.4 | 9 | 6.9 | 2 | 3.1 | 22.2 |
| Amish/Men. | 74 | 15.0 | 20 | 15.4 | 4 | 6.2 | 20.0 |
| Anglican | 15 | 3.0 | 3 | 2.3 | 3 | 4.6 | 100.0 |
| Baptist | 22 | 4.5 | 8 | 6.2 | 3 | 4.6 | 37.5 |
| Lutheran | NA[a] | — | NA | — | 0 | 0.0 | NA |
| Can. Reform. | 10 | 2.0 | 4 | 3.1 | 3 | 4.6 | 75.0 |
| Presbyt. | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | NA |
| SDA | 22 | 4.5 | 4 | 3.1 | 2 | 3.1 | 50.0 |
| United | 3 | 0.6 | 1 | 0.8 | 1 | 1.5 | 100.0 |
| Non-sect. | 155 | 31.4 | 35 | 26.9 | 10 | 15.4 | 28.6 |
| Con/Ind/Sch | NA | — | NA | — | 4 | 6.2 | NA |
| Montessori | NA | — | NA | — | 2 | 3.1 | NA |
| Waldorf | NA | — | NA | — | 1 | 1.5 | NA |
| Spec. Ed. | NC[b] | — | NC | — | 0 | 0.0 | NA |
| French | NC | — | NC | — | 0 | 0.0 | NA |
| Bilingual | NA | — | NA | — | 1 | 1.5 | NA |
| Other | 31 | 6.3 | 9 | 6.9 | 9 | 13.8 | 100.0 |
| Total | 493 | 99.9 | 130 | 100.0 | 65[c] | 100.0 | NA |

[a] Not available.

[b] Not coded.

[c] Respondents were allowed to check more than one option. Hence, total exceeds the actual number of returns, which was 55.

The implications of the bias in the affiliations of responding schools is difficult to assess. In the case of Roman Catholic schools, it may not matter so much since most of these will become part of the separate school system in the long run. Under-representation of Jewish and Amish/Mennonite schools may mean that, if these schools are themselves "different" from the responding schools in terms of their size, financing, and so forth, these differences will not be reflected in the study. (The director of the Amish/Mennonite schools, incidentally, wrote a courteous letter noting that, after some discussion, this group had decided not to participate in the study. The few returns probably reflect returns made before this decision was taken.)

Table 6 provides the final comparison of actual sample, target sample and population data, indicating the schools by region of the province. Western Ontario, Central Ontario excluding Metro Toronto, and Metro Toronto schools are all represented in the final sample roughly in proportion to their numbers in the population, while Eastern Ontario schools are over-represented by a factor of two, and Northern Ontario schools under-represented by about a factor of one-half.

*Table 6*
*Distribution by Region of Schools in Sampled Population, Target Sample and Actual Sample*

| Region | Sampled Population | | Target Sample | | Actual Sample | |
|---|---|---|---|---|---|---|
| | n | % | n | % | n | % |
| Western Ont. | 99 | 20.1 | 23 | 17.7 | 12 | 21.8 |
| Central Ont. exclud. Metro | 217 | 44.0 | 56 | 43.1 | 20 | 36.4 |
| Metro Toronto | 117 | 23.7 | 31 | 23.8 | 14 | 25.5 |
| Eastern Ont. | 39 | 7.9 | 10 | 7.7 | 8 | 14.5 |
| Northern Ont. | 21 | 4.3 | 10 | 7.7 | 1 | 1.8 |
| Total | 493 | 100.0 | 130 | 100.0 | 55 | 100.0 |

The various biases in the actual sample are probably not without explanation. It is clear that Roman Catholic and Amish/Mennonite schools are less represented because of a lower interest in government funding — in the first case because it has been granted and in the second because it is not desired. Many schools associated with the Ontario Alliance of Christian Schools clearly indicated on their questionnaires (as well as in other forums) that they would like to see government funding of some kind. Thus, the sample biases in part reflect the interest of the different groups in possible funding for their schools.

**Description of Questionnaire Results**

Tables 7 through 15 present statistical data related to the financial situation of the private schools that responded to the questionnaire. From these can be derived estimates of certain statistics, such as per pupil expenditures, for the entire population of private schools.

Revenue data are reported in Table 7. About 71 percent of the revenue for the average school came in the form of tuition payments; the second most important source was grants, which typically provided 18 percent of the income. In the main, grants were received from associated organizations, such as churches or religious associations. However, included among these were modest French language instruction grants from the federal government. The smallest source of income, notably, was from endowments, averaging only $11,506 in the 18 schools reporting such income. Much more important were gifts and other sources of revenue, which would include rental and investment income, fees, donations, and bake sales. Overall revenue for the average school was $532,572 (or $2,348 per pupil). As would be expected, there was tremendous variability in revenue, the lowest being $600 and the highest over 3 million dollars.

*Table 7*
*Average Revenues for Private Schools in Ontario for Last Fiscal Year Based on Sample Data*

| Item | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| a. Tuition | $379,296 | $ 0 | $ 2,769,445 | $494,415 | 51 |
| b. Endowment Income | 11,506[a] | 0 | 55,514 | 18,240 | 18 |
| c. Grants | 96,808 | 0 | 2,131,056 | 381,655 | 33 |
| d. Gifts | 50,965 | 0 | 200,000 | 56,287 | 39 |
| e. Other rev. 1 | 40,758 | 0 | 441,161 | 92,296 | 40 |
| Other rev. 2 | 28,495 | 0 | 227,500 | 51,123 | 28 |
| f. Total rev. | 532,572[b] | 600 | 3,242,287 | 701,929 | 49 |

[a] Distinguishing of non-responses from "$0" response was not possible if questionnaire items were left blank. Therefore, averages are given only for those schools that gave unambiguous responses (see column headed "n").

[b] Does not equal the sum of the averages in rows above due to different n's. See note a.

The average expenses for the schools that responded to the questionnaire are reported in Table 8. While an exact percentage distribution of expenses is not possible since different numbers of schools responded to different items, a typical school appears to spend about 70 percent of its budget on wages and salaries, 6 percent each on employee benefits and on supplies, 8 percent on maintenance and energy, 5 percent on transportation, and 5 percent on debt and capital. On average, expenses are reported to be *less* then revenues, and the average per pupil expense is $2,310.

As with revenues, there is extremely wide variation in expenditures. Minimum expenditures are nil in most categories, including staff wages, whereas maximum expenditures are typically in the hundreds of thousands. Clearly, some of the schools operate outside the "cash economy" altogether, whereas others are paying the full market costs for all school resources.

*Table 8*
*Average Expenses for Private Schools in Ontario for Last Fiscal Year Based on Sample Data*

| Item | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| a. Wages & Salaries | $372,968 | $ 0 | $2,639,121 | $502,698 | 51 |
| b. Employee Benefits | 32,548 | 0 | 166,450 | 42,208 | 38 |
| c. Supplies & Materials | 29,463 | 250 | 308,771 | 50,152 | 48 |
| d. Maintenance & Energy | 40,400 | 0 | 257,944 | 61,367 | 45 |
| e. Transport'n | 24,407 | 0 | 140,000 | 33,972 | 35 |
| f. Capital excl. debt | 14,434 | 0 | 119,148 | 23,661 | 33 |
| g. Debt | 14,761 | 0 | 122,932 | 27,488 | 32 |
| h. Other | 44,767 | 39 | 701,327 | 115,469 | 36 |
| i. Total | 523,964 | 620 | 3,209,287 | 675,035 | 51 |

Student fees and awards, Table 9, again show tremendous diversity. Tuition is free in at least one school and is $8,000 at one (residential) school in the sample. The average tuition is $1,981, which would cover about 86 percent of the reported average expenses per pupil. Most student aid, when it is available, comes from internal sources; relatively little comes in the form of direct tuition aid from associated churches and the like (though, it will be recalled, grants and subsidies from such groups were important sources of revenue, and could be looked upon as a source of revenue to lower tuition fees for all students). Also noted on a number of questionnaires was the practice of charging a fee to a family, rather than to a child, so that the cost would not be higher for larger families. In a few cases, a fee was levied on all members of a church community, with the children of members eligible to attend school without charge.

Teaching staff salaries, the principal's salary, and the academic qualifications of the principal are reported in Table 10. In order to control for different levels of experience and qualifications, respondents were asked the salaries that would be paid to teachers with different characteristics if they were employed at the school. Again, the range in responses is notable. For a university graduate with an Ontario Teaching Credential and 12 years experience, a minimum salary of $11,000 was indicated while the maximum was $42,000, about the same as in publicly operated schools.[28] On average, teachers in the sample schools earned $21,244, about 33 percent less than the $31,601 earned by the median elementary teacher in Ontario and 41 percent less than that earned by the median secondary teacher.[29] On average, then, we can say that private school teachers earn about 37 percent less than teachers in the publicly operated system, though it should be noted that the bias of the sample could affect this conclusion.[30] For example, teachers in the smaller schools that did not respond may earn less; as well, those in the currently private Roman Catholic secondary schools may earn more (since their salaries tend to be on a par with local separate school teachers).

Principals' salaries, averaging $34,601, were roughly equivalent to the average teacher's salary in publicly operated schools. Current principals' salaries in the publicly operated system now range from the mid 40s to about $60,000. No mean or median figure is readily available, but it seems fair to say that at least a 30 percent differential exists between the salaries of public and private school principals.

The private school principals responding to the survey were an experienced and well educated group, it should be emphasized. They average 16.5 years experience as educators and 35 of the 48 responding (or 73 percent) had taken post-graduate level work.

*Table 9*
*Student Fees and Awards*

| Item | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| Average Annual Tuition | $ 1,981 | $ 0 | $ 8,000 | $ 1,349 | 53 |
| Total value of internal tuition aid | 53,544[a] | 500 | 618,285 | 121,185 | 28 |
| Total value of external tuition aid from affil. Church | 15,043[b] | 1,500 | 85,000[b] | 23,718 | 12 |

[a] 32 of the 54 schools responding (or 59.3 percent) indicated that they had internal tuition aid. Of these 32, 28 responded to this question. Others noted that tuition was charged on a family rather than individual basis, or that all members of a Church community were assessed a fee.

[b] 13 of 51 schools responding (or 25.5 percent) indicated an affiliated Church offered scholarships or other forms of tuition aid.

*Table 10*
*Teaching Staff Salaries*

| | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| 1. Typical salaries for: | | | | | |
| a. University grad, OTC, 12 yrs. experience | $25,011 | $11,000 | $42,000 | $ 6,765 | 43 |
| b. MA, OTC, no exper. | 20,053 | 11,000 | 41,000 | 5,134 | 37 |
| c. No univ. degree, OTC, 12 yrs. experience | 19,054 | 8,000 | 36,000 | 8,013 | 40 |
| 2. Average salary of teachers including principal | 21,244 | 5,000 | 39,305 | 7,559 | 53 |
| 3. Principal's salary & experience: | | | | | |
| a. Total experience | 16.5 yrs. | 3 yrs. | 32 yrs. | 8.9 yrs. | |
| b. Academic qual. | | | | | |
| no univ. | — | — | — | — | 1 |
| univ. | — | — | — | — | 14 |
| post-grad | — | — | — | — | 35 |
| other | — | — | — | — | 3 |
| no respon. | — | — | — | — | 2 |
| c. Salary | $34,601 | $12,000 | $65,000 | $12,272 | 48 |

It would be expected that much of the variation in salaries, school size, and the like might be attributable to the level of schooling. Table 11 reports the averages for a number of key statistics broken down by level: elementary, elementary/secondary combined, and secondary. As expected, enrolment and the number of teaching staff tend to increase with the level of the school, with elementary schools averaging 148 pupils and 9.5 staff, and secondary schools averaging 364 pupils and 21.8 staff. However, tuition income did not follow this pattern; it was least at the secondary level, highest for combined elementary/secondary schools, and in-between

*Table 11*
*Size, Revenues, Expenditures, Enrolment and Salaries by Type of School*[a]

| | Elem. (n = 25) | Elem./Sec. (n = 12) | Sec. (n = 13) | Overall |
|---|---|---|---|---|
| Enrolment | 148 | 274 | 364 | 242 |
| FTE Teachers | 9.5 | 18.4 | 21.8 | 15.1 |
| Average tuition[b] income/pupil | $ 1,662 | $ 2,229 | $ 1,218 | $ 1,689 |
| Average expend./pupil | 2,023 | 2,723 | 2,376 | 2,250 |
| Average tuition[b] charged | 1,771 | 2,822 | 1,640 | 1,981 |
| Salary of univ. graduate, OTC, 12 yrs. exper. | 22,859 | 23,683 | 31,369 | 25,010 |
| Principal's salary | 31,215 | 32,949 | 43,167 | 34,601 |

[a] Averages are unweighted by school size. Weighting by school size can affect averages; for example, the weighted average expenditure per pupil is $2,310 (see Table 1) while the unweighted is $2,250.

[b] Tuition income per pupil is less than average tuition charged due to scholarships, exemptions and the like.

for elementary schools. In all probability, these results reflect the relatively low tuitions (often less than $1,000) charged in Roman Catholic high schools. For example, St. Michael's College School in Toronto, which is returning to independent status, charges fees of just $1,150.[31] Reported expenditures per pupil follow a different pattern; they are lowest in elementary schools, highest in combined elementary/secondary schools, and in-between for secondary schools. In all cases they are well below expenses reported in public sector education. According to 1983 financial statements of Ontario school boards, the average public elementary expenditure per pupil was $2,982 in public elementary county boards and $3,941 inside defined cities (i.e., Windsor, Ottawa, London, Hamilton and Metro Toronto). Comparable secondary expenditures were $4,026 and $4,717, while separate school expenditures were $3,131 in county boards and $3,301 in defined cities.[32] The average total expenditure per pupil in Ontario (weighted by average daily enrolment) is $3,631; thus the average private school expends about 36 percent less per pupil than does the average publicly operated school.

Average salaries, for both teachers and principals, are lowest in elementary schools, only slightly higher in elementary/secondary schools, and highest in secondary schools. Again, the influence of Roman Catholic high schools probably accounts for the relatively large difference between secondary schools and either elementary or combined schools. That is, salaries in these schools tend to be comparable to separate school boards. *It is apparent, then, that grade levels taught does explain considerable variation in school characteristics, but that other factors, such as a school's affiliation with a particular religious group or association, may be equally or more powerful in explaining these differences, especially in the realm of tuition, expenditures and salaries.*

The type, value and quality of private school facilities are reported in Table 12. On average, respondents indicated that the replacement cost of their facilities is 1.45 million dollars; again, a tremendous range in responses existed. Thirty of the schools indicated that their facilities were either slightly inferior or very inferior to neighbouring publicly operated schools. On average, respondents estimated a cost of about $360,000 to bring their facilities up to comparable standards. Very few private schools suggested they had better facilities.

Special facilities were quite common in the private schools: 70 percent report gymnasia, 80 percent playfields, and 78 percent libraries. However, only 35 percent had music rooms and just 4 percent swimming pools.

*Table 12*
*Private School Facilities*

| Replacement Cost of Facilities | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| | $1,450,162 | $ 1,500 | $8,000,000 | $1,730,553 | 40 |
| Cost to bring up to standards of public schools | 361,607 | 15,000 | 2,000,000 | 496,452 | 28/30[a] |
| Facilities available: | | % | | | |
| gymnasium | | 70.9 | | | 55 |
| playfield | | 80.0 | | | 55 |
| library | | 78.2 | | | 55 |
| music room | | 34.5 | | | 55 |
| swimming pool | | 3.6 | | | 55 |
| other | | 34.5 | | | 55 |
| Quality of facility in comparison to nearby public schools: | | | | | |
| | | % | | | |
| very inferior | | 16.4 | | | |
| slightly inferior | | 38.2 | | | |
| comparable | | 41.8 | | | |
| better | | 3.6 | | | |
| Total | | 100.0 | | | 55 |

[a] Applicable only to those 30 schools with facilities rated "slightly inferior" or "very inferior".

Student transportation can be a major cost and problem to schools. Table 13 reports the mode and distance travelled by students. The averages indicate relatively few pupils walk to their private schools — only 11 percent. Almost 40 percent are driven by their parents; 21 percent take public transit and 23 percent a bus provided by the school.

The reasons most students are transported rather than walk to their schools is clear from the distances travelled. Only 11 percent live less than a mile (1.7 km.) from school and 18 percent between 1 and 2 miles (1.7 — 3.5 km.). In contrast, 26 percent travel from 2 to 5 miles (3.5 — 8 km.) and 43 percent more than 5 miles (8 km.).

Table 14 indicates the capacity of the schools in the sample as well as their expected enrolment trends. *The typical school, which now enrols 227 students, could therefore increase its enrolment by 60 percent without expanding its facilities.* Their enrolment projections indicate that growth is expected — 25 percent for 1985/86; 6 percent for 1986/87; and 3 percent for 1987/88. That is, they expect an average growth rate of about 12 percent per year. Whether these are hardnosed projections or wishful thinking, of course, is difficult to say.

*Table 13*
*Transportation of Private School Pupils*

| | Average<br>% | Minimum<br>% | Maximum<br>% | s.d. |
|---|---|---|---|---|
| Mode of transportation to school (n = 55) | | | | |
| a. walk | 11.3 | 0.0 | 100.0 | 16.4 |
| b. driven by parent | 38.5 | 0.0 | 100.0 | 34.2 |
| c. public transit | 21.1 | 0.0 | 95.0 | 28.1 |
| d. school bus | 23.3 | 0.0 | 99.0 | 36.7 |
| e. other | 3.0 | | | 13.3 |
| Distance to school (n = 55) | | | | |
| a. reside at school | 2.2 | 0.0 | 96.0 | 13.4 |
| b. travel <1 mi. (<1.7 km.) | 11.1 | 0.0 | 50.0 | 11.7 |
| c. travel 1-2 mi. (1.7-3.5 km.) | 18.2 | 0.0 | 100.0 | 19.9 |
| d. travel 2-5 mi. (3.5-8 km.) | 25.8 | 0.0 | 80.0 | 20.3 |
| e. travel >5 mi. (>8 km.) | 42.6 | 0.0 | 100.0 | 31.9 |

*Table 14*
*Enrolment Projections in Private Schools*

| | Average | Minimum | Maximum | s.d. | n |
|---|---|---|---|---|---|
| Optimum Enrol. in School | 364 | 15 | 2000 | 336 | 51 |
| Expected enrol. in future yrs. | | | | | |
| 1985/86 | 284 | 10 | 1800 | 318 | 52 |
| 1986/87 | 302 | 10 | 1900 | 332 | 52 |
| 1987/88 | 312 | 10 | 2000 | 342 | 52 |

The distribution of family incomes served by the private schools in the sample are reported in Table 15. Relatively few (8.3 percent) were estimated to have family incomes less than $15,000; the majority (51.3 percent) were believed to be in the $15,000 — $30,000 range; the balance concentrated in the $30,000 — $50,000 category (28.7 percent), with relatively few in the over $50,000 range (11.6 percent). Using 1981 Census figures for Ontario family incomes allows the following rough comparison. (The top two categories are collapsed since the Census report does not break down the over $50,000 range separately; no account is being taken of inflation since 1981):

| | Private Schools | Ontario[33] |
|---|---|---|
| ‹$15,000 | 8.3% | 23.0% |
| $15,000 — $30,000 | 51.3 | 39.8 |
| ›$30,000 | 40.3 | 37.2 |

These figures suggest that upper income families are proportionally represented in private schools, middle income families are slightly over-represented; and lower income families are considerably under-represented.

Finally, Table 16 reports that 83 percent of the private schools that responded to the survey have become registered charities. Three noted that their affiliated churches held such status, and a few others noted that they had applied for such status. It would seem that, soon, all non-profit private schools will have ensured that they are registered charities.

This statistical profile of private schools in Ontario is but a means to an end. Though of interest in itself, the major purpose of the survey data is to provide the information needed for costing out various methods of funding private schools in Ontario, including present indirect methods that are in use but perhaps not widely recognized.

*Table 15*
*Estimated Income of Families with Children in Private Schools (n = 53)*

| Category | Average<br>% | Minimum<br>% | Maximum<br>% | s.d.<br>% |
|---|---|---|---|---|
| a. ‹ $15,000 | 8.3 | 0.0 | 60.0 | 10.4 |
| b. $15-30,000 | 51.3 | 0.0 | 99.0 | 28.2 |
| c. $30-50,000 | 28.7 | 0.0 | 80.0 | 22.1 |
| d. › $50,000 | 11.6 | 0.0 | 85.0 | 18.1 |

*Table 16*
*Percentage of Schools Registered as Charities (n = 53)*

| | % |
|---|---|
| Yes | 82.7 |
| No[a] | 17.3 |

[a] Three that responded "no" noted that their affiliated Churches were registered charities.

# THE COST OF PROVIDING AID

This paper began with three questions concerning government aid to private schools: what are the costs of any current programs to aid private schools; what would be the cost to fully fund private schools; and how might such funds be allocated? In this section we provide answers to these questions and estimates of their costs. A caveat is necessary, however; because of the weakness of the statistical data base for cost estimates, it must be recognized some of them are only rough estimates requiring numerous assumptions. In such cases, the estimates should be viewed as first approximations open to refinement by others having access to better sources of data, should they become available.

## Current Programs of Aid

In describing various methods which Ontario might use to fund private schools in the second section of this paper (pp. 162-164), mention was made of numerous forms of direct aid available to private schools in Ontario at the present time (see, for example, the list on pp. 162-163). While questions might be raised concerning why these particular forms of support are granted and not others, the interest here is confined to the issue of their cost to government. It would appear that all services identified in this study do not represent a significant expenditure of funds since, for the most part, they represent only marginal increases in the use of services already provided. The largest form of direct aid appears to be federal grants for French language instruction and these appear to total less than $1,000,000.

Of far greater importance, it appears, is indirect aid in the form of 1) exemption from property taxes on non-profit private schools, 2) income tax deductions for tuition attributable to religious instruction, and 3) income tax deductions for charitable purposes. The value of these indirect subsidies to private schools, *excluding private Roman Catholic secondary schools*, are estimated to be the following.

*Property Tax Exemption.* If it is assumed that 1) the average property tax is equal to 1.5 percent of the market value for a property taxed at the residential rate, 2) that the current market value of private school properties is $6,393.45 per pupil (see Tables 2 and 12), and 3) that the total private school enrolment is 55,000 pupils, then the property tax forgone annually in Ontario is

$6,393.45 x 55,000 x .015 = $5,275,000

or $96 per pupil. This subsidy is, in the first place, a subsidy by local property ratepayers who, in effect, must tax themselves at a higher rate than would otherwise be the case were private schools to pay property tax. In the second instance, since the school property is not reflected in the assessment of the municipality, the province helps to pay these forgone taxes by virtue of grants it gives to municipalities and school boards based on their assessment per capita or per pupil.

The Blair Commission *(Report of the Commission on the Reform of Property Taxation in Ontario)* made a number of recommendations regarding the assessment of private schools. All would, in effect, have resulted in their being taxed at full market value, but with the Provincial Government paying off-setting grants. One proposal would have recouped these grants (plus interest) if the schools were sold and the net proceeds not used for educational purposes.[34]

*Deductions for Religious Tuition.* If it is assumed 1) that private school students attend religious and non-sectarian or other schools in proportion to the representation of these types of schools; i.e., 62 percent are in religious schools (Table 5), 2) that average tuition collected at religious schools is the weighted average reported in the sample; i.e., $1671 (Tables 2 and 7), 3) that the average family income per pupil is $30,000 (see Table 15), implying a marginal tax rate of 25 percent for federal taxes and 12 percent for Ontario taxes[35], and 4) that, on average, 25 percent of the tuition goes toward religious instruction[36], then the indirect federal support for private religious schools is

$1671 x .25 x 55,000 x .62 x .25 = $3,561,000

which is $65 per pupil overall (or $104 for each pupil in a religious school) and the average provincial indirect support is

$1671 x .25 x 55,000 x .62 x .12 = $1,709,000

which is $31 per pupil overall (or $50 per pupil in a religious school).

*Income Tax Deductions for Charitable Purposes.* If we assume 1) that two-thirds the balance of the $2346 per pupil income of private schools not raised by tuition (or about 20 percent) comes in the form of charitable gifts either to the school or a charitable association associated with the school (see Table 4), and 2) that the donors are in the same tax brackets as the parents whose children are in the schools, then the indirect subsidy from the federal government is

($2346 – $1671) x .67 x 55,000 x .25 = $6,218,000

or $113 per student, and from the provincial government is

($2346 – $1671) x .67 x 55,000 x .12 = $2,985,000

or $54 per pupil.

This last estimate is perhaps the least reliable of the group since charitable donors may well be wealthier or poorer than the parents with children in school, or they may be corporations (which would be subject to different tax rates) or estates (subject to no taxation).

*Total Current Support.* Totalling the three sets of estimates derived above for indirect assistance to private schools in Ontario via the property tax exemption, religious tuition deduction, and charitable donations deductions indicate an estimate of $19,748,000, of which 27 percent is local (via the property tax exemptions, excluding the effect of provincial grants), 50 percent is federal (via the federal income tax), and 23 percent is provincial (via the provincial income tax).

Direct assistance appears to be valued at less than $2,000,000; the only specific support whose cost was estimated was that for federal language grants, which are probably between $400,000 and $800,000.

Total direct and indirect assistance is therefore estimated to be valued at approximately $22,000,000 or $400 per pupil for the 55,000 private school students not enrolled in currently private Roman Catholic secondary schools. Since some of this subsidy is not reflected in school expenses (e.g., forgone property taxes) it is perhaps ambiguous to calculate the share of the cost of private school education now supported by public funds. Nevertheless, *it is clear this figure, on average, amounts to about one-sixth of the average total in cost per pupil enrolled in a private school.*

**The Cost of Full Funding**

What if the government of Ontario wished to fully support private schools in Ontario; that is, how much would this cost, and what would the implications be for the publicly operated system? Several answers to these questions will be given, each making slightly different sets of assumptions. Again, it will be assumed that there are 55,000 private school pupils to be funded. Further, it is assumed (based on Ministry of Education statistics) that 36,000 of these are elementary pupils and the balance, 19,000, are secondary pupils. All estimated costs are in terms of 1984 dollars.

*Cost Estimate 1.* If it is assumed that "full funding" means that government pays for the *costs of tuition* for private school students, then the total cost, based on the weighted average tuition collected of $1671 (derived from Tables 2 and 7), would be

$1671 x 55,000 = $91,905,000

*Cost Estimate 2.* If it is assumed that "full funding" means that government funds all *current expenditures,* then the cost, as measured by the weighted average expenditure per pupil (derived from Tables 2 and 8), would be

$2310 x 55,000 = $127,050,000

*Cost Estimate 3.* If it is assumed that "full funding" means that government provides all *current revenue* of private schools, then the cost, as measured by the weighted average revenue per pupil (derived from Tables 2 and 7), is

$2346 x 55,000 = $129,030,000

*Cost Estimate 4.* If one were to assume that "full funding" means *100 percent funding up to the (1984) elementary and secondary grant ceilings* ($2297 and $3140, as defined in the regulations for general legislative grants) for ordinary expenditures and *95 percent funding for extraordinary expenditures* (i.e., debt, capital, and transportation costs per pupil from Tables 2 and 8), then the cost would be

($2297 x 36,000) + ($3140 x 19,000)
+ (.95) x ($236 x 55,000) = $154,683,000

*Cost Estimate 5.* If it is assumed that "full funding" is the funding of private school students at a rate equal to *current weighted average cost per pupil of publicly operated schools* of $3631 (see p. 43), the total cost would be

$3631 x 55,000 = $199,705,000

*Cost Estimate 6.* If it is assumed that "full funding" is the funding of private elementary school students at the *current average cost per pupil of publicly operated elementary schools* (or $3294) *and equivalent costs for publicly operated secondary schools* (or $4332), then the total cost would be

($3294 x 36,000) + ($4332 x 19,000) = $200,892,000

The highest of these estimates is more than twice the lowest, raising the question as to which estimate is most valid. The position taken here is that they are all equally valid, given a particular objective or set of objectives and particular allocation system. At the same time, it is notable that in other provinces and countries that have made decisions to begin to fund private schools, either directly or indirectly, that the long term trend, often over several decades, has been for the funding of private schools to approach or equal the level of funding in publicly operated schools.

Another variable comes into play once funding is extended to private schools; namely, the added attraction that private schools may have to parents of children now in publicly operated schools once the "price" of private schooling has been decreased by virtue of public subsidies. If funding of tuition alone was undertaken (Estimate 1), then there would actually be *a net saving* to the public purse equal to difference in per pupil costs between publicly operated and privately operated schools, discounting any adjustments made for declining enrolments. In 1984 dollars, this saving would be about

$3631 − $1671 = $1960 per pupil.

If the 12 percent per year average projected growth over the next three years estimate by the respondents is correct, implying an increase of 55,000 x .12 = 6600 pupils in the first year, then government might save

$1960 x 6600 = $12,936,000

by extending support for private school tuition![37]

As suggested above, it it unlikely these savings would be retained in the long term. In all probability, the staff in private schools would feel that they should no longer offer, in effect, to subsidize their schools by accepting salaries one-third lower than those paid to teachers in publicly operated schools. Indeed, other analyses have suggested the possible "savings" to government depicted above would never materialize, but that school costs would increase once subsidies became available, that tuitions would not drop, and that higher demand would not materialize.[38]

It should also be noted that any form of full funding would "cost" the Ontario taxpayer the federal share of indirect aid provided via income tax deductions for religious tuition, and possibly, charitable deductions for educational purposes. Based on earlier estimates this would amount to between 3.5 million (tuition aid only) and 9.7 million (tuition and charitable aid together).

Technically, these costs should be added to the cost estimates in this sub-section.

### The Cost of Different Forms of Aid

The schema for aid to schools outlined earlier in this paper is laid out in Table 17. It is not practical nor reasonable to cost out every alternative method of allocating funds; therefore, the costs of what seem to be nine of the more interesting or feasible choices are estimated here.

*Direct Payments to Parents.* The government could provide to parents who wished to enrol their child or children in a private school a cash grant (or what is a close equivalent, a voucher to be redeemed by the school) to cover some portion of the cost of the child's education. A voucher scheme might be preferred by government since it could be certain the money was not spent on some other purpose, as might occur with a cash grant, with the child then being enrolled in a publicly operated school. If equity were an issue, this grant or voucher could be taxable; even a "clawback" might be used so that the grant or voucher value fell to zero for people with income at or above some threshold level.

*Table 17*
*Schema for Different Types of Aid to Private Schools*

| Recipients | Form of Aid | | | | |
|---|---|---|---|---|---|
| | Direct Payment | Provision of Goods & Services | Exemptions from Taxes | Tax Deductions | Tax Credits |
| Children | | | | | |
| Parents | | | | | |
| Benefactors | | | | | |
| Staff | | | | | |
| Schools | | | | | |
| Systems | | | | | |

A major advantage of direct payments over indirect approaches is that the parent would have funds available when tuition was due, and not at the end of the tax year (as would be the case with tax credits and the like).

The value of the grant or voucher might be uniform, keyed to the tuition of the school of choice, or related to the amount of property tax a person pays. In the last instance, there would be a *de facto* acceptance of the argument (valid or not) that people who send their children to private schools are double taxed. At very least, one could argue it was simply a circuitous route by which parents were allowed to target their property taxes to a private school; i.e., taxes are paid, then a grant or voucher rebates the taxes to the parents who give the grant or voucher to the school for tuition purposes which, in the case of a voucher, is redeemed by the school.

Precedents exist for direct payments to parents; e.g., the federal Family Allowance Payments and the provincial Property Tax Rebates to the elderly.

Political questions might arise as to why just parents with children in private schools received grants or vouchers. The use of the rationale concerning property taxes might alleviate this concern. If not, one might make them available to all, with publicly operated schools competing with privately operated schools for funds.

Assuming an average grant or voucher value of $500 and that the amount was not taxable, the cost of such a program directed to only private school pupils would cost

$500 x 55,000 = $27,500,000

A $500 grant or voucher would be equivalent, roughly, to the average property tax for education, or to 30 percent of the (weighted) average tuition payment.

It would not make sense for a provincial grant to be taxed federally; therefore, if the grant was taxable, for the average private school parent who pays a 12 percent marginal provincial tax rate (see p. 176), the province would then recoup $3,300,000, reducing the cost to $24,200,000. It might be more equitable to use a "clawback" with a figure twice or three times the grant added to income for the purposes of provincial tax to recover more of the cost and ensure that most of the benefits are retained by lower income individuals. Indeed, one might keep the total allocation the same, but increase the size of the grant. That is a $568 grant would cost

$568 x 55,000 = $31,240,000

before taxes, but only $27,500,000 after the 12 percent marginal rate of provincial tax was applied.

*Direct Payments to Staff.* It was noted in the analysis of data that, on average, private school teachers earn about one-third less than their peers in publicly operated schools. This difference, in fact, seems to largely account for lower average per pupil expenditures in private schools. The government could make direct grants to private school teachers to equalize their salaries with those of the public sector.

There are an estimated 3700 full-time equivalent teachers in private schools other than Roman Catholic secondary schools (by dividing 55,000 pupils by the 14.8 PTR for the sampled population as noted in Table 2) earning an average of $21,244 (Table 10). To bring this up 50 percent to a figure equal to the average public elementary teacher (p. 171) would cost about $10,622 per teacher, for a total of

$10,622 x 3700 = $39,301,400

or about $715 per pupil. This would raise the expenditures per pupil in private schools from an average of $2310 to $3025, much nearer its level in public schools. Obviously, such grants would reflect concern about the equitable treatment of teachers (rather than, say, the equitable treatment of parents). Although government does not make grants of this sort to equalize wages between salaries in other mixed sectors (e.g., checkout staff at the LCBO vs. checkout staff in milk stores), one could argue that any grants to private schools will end up in the teachers' pockets in any case, and that this does it directly without losing the private contributions (and indirect federal tax benefits) associated with the current way in which private schools are funded.

*Direct Payments to Schools.* Direct payment of government grants to private schools is perhaps the most obvious vehicle for extending support for private schools. Indeed, it would be possible to apply many sections of the current grant regulations to individual private schools; i.e., if a school is treated as a school board with no assessed valuation, then provincial grants could be calculated using the standard formula. The full cost of such an option appears in Estimate 4 above (i.e., $154,683,000), excluding the effect of weighting factors, French language instruction and Heritage Language programs. Alternatively, one could make grants equal to a fixed proportion of this amount (e.g., using a figure of 50 percent of the grant ceiling) or a variable proportion achieved by a mechanism such as is used in Australia where schools are placed in three wealth categories. In such a case, low wealth schools might receive, say, 66 percent of the grant ceiling per pupil (plus 95 percent of transportation and capita costs); medium wealth, 50 percent of the grant ceiling; and high wealth schools, just 33 percent. Clearly, the choices are unlimited, and would probably be dictated more by the issue of the funds available than a desire to achieve a specific percentage support.

Instead of full operating grants, one might make only categorical grants available to private schools, grants that would have to be used for stated purposes. Extension of Heritage Language Program funding or funding for ICON microcomputers would be two examples of current programs that operate on this basis; grants for French-as-a-second-language is another. In practice, school boards are not strictly accountable for the use to which funds from programs such as these are put (the ICON program excepted since the grant is used to purchase the ICON). However, the Ministry tries to set grant levels for these programs at realistic levels — neither too "rich" nor too "poor" — and seems to succeed.

Special education funding might be added to this list of categorical programs for private schools that wished to offer special education. However, the current method of funding special education (i.e., a flat amount applied to all pupils) would not be suitable for most private schools since its equity depends on large numbers for the "law of averages" to work. That is, it is more reasonable to assume a uniform distribution of the incidence of special education students in large school boards where such students can be served by board-wide programs than it is in the case with small schools where even one hard to serve pupil might demand more resources than the grant sytem would provide.

Cost estimates for extension of current categorical grants to private schools cannot be estimated since details on enrolments in special programs (or the extent to which these programs might be adopted) are not available.

*Direct Payments to School Systems.* Most of the comments made concerning direct grants to schools apply here, the difference being that in cases where there are systems or federations of private schools, especially religious schools, it may be more sensible to give grants to the system for allocation to individual schools than to give them to individual schools. Specific organizations to which such a strategy might apply include the Board of Jewish Education and the Ontario Alliance of Christian Schools. (Indeed, these organizations might even be given the option of organizing as school boards under the *Education Act,* in which case they would become publicly operated schools just as are Roman Catholic separate schools. One thinks, by analogy, of the organization of education in Newfoundland.)

Grants to systems of private schools could clearly be determined by the grant regulations and adjusted for different levels of wealth possessed by individual schools in the system. Or, if they became publicly operated boards, the size of the grant could be reduced by the size of the levy on the assessment directed toward the board.

There are several advantages to system funding, which would probably cost about the same as funding individual schools. First, it would be administratively simpler for government, since the task of allocating funds to schools would be delegated. Second, a system could better plan expansion, contraction, and the level of support needed within a given school. Finally, in the case of special services, these could be provided more efficiently.

*Provision of Goods and Services to Children.* In the U.S., where the separation of church and state has hindered the expansion of aid to private schools, the "child benefit" theory has been developed to defend certain types of aid which seem of benefit to the child (but not to the school or church). Common among these might be the provision of secular textbooks, transportation to school, and testing and evaluation. In a sense, Ontario already practices this theory to some degree by making SGIS available to private schools and by allowing the participation of private school students in the international student exchange program.

It would appear that Ontario might use the child benefit theory to provide textbooks, transportation, and province-wide testing (if it is introduced) for private school pupils. Indeed, it has already been noted that private school students living in areas with public transit enjoy transit subsidies not available to their peers in rural communities.

Assuming an average of about $25 per pupil is spent on textbooks each year, extension of a book purchase plan to private schools would cost about

$25 x 55,000 = $1,375,000

Assuming the cost of transporting private school students was the same as the weighted average cost for publicly operated school boards (i.e., $162 per pupil per year), then the total cost of providing transportation to all 55,000 private school pupils would be

$162 x 55,000 = $8,910,000

An alternative estimate, based on the current levels of service as described in survey data collected for this study (Tables 2 and 8), suggests funding of transportation would cost about $108 per pupil, or in total

$108 x 55,000 = $5,940,000

*Provision of Goods and Services to Schools or School Systems.* Again, the government already provides some goods and services to private schools in Ontario, some with a fee and some without. One possible extension of this suggested in the discussion of categorical grants above would be the provision of school equipment, such as microscopes, microcomputers, overhead projectors, and the like. No estimate of the cost of providing such goods was made since the cost would clearly depend on the goods being offered and the number of schools to which it applied.

*Exemption from Taxes.* Overall, the idea of tax exemptions, beyond those already given to schools and charitable organizations, does not seem to be a particularly useful approach to aiding private schools. The idea suggested earlier that private school teachers be allowed to take part of their salary in a tax exempt form does not appear to be practicable given the involvement of both provincial and federal governments and the questionable idea of singling out one profession for special treatment. Income tax deductions or credits would seem to be a better mechanism than tax exemptions to provide assistance since the former two tend to vary from person to person whereas the latter tends to be fixed for all.

*Tax Deductions to Parents.* Probably the most obvious form of tax deductions for parents with children in private schools would be a tax deduction for the full amount of tuition paid. For such a deduction to apply to both federal and provincial income taxes, both levels of government would have to agree. Since the benefit of such a deduction would clearly be regressive (i.e., of more value to higher income than lower income families), it would be incompatible with recent suggestions by the federal government that tax exemptions for children already make the present system less progressive than it ought to be. Therefore, only the cost to the provincial government is estimated. This amount would equal 12 percent (the marginal provincial tax rate for the average parent of a private school pupil) of the total tuition cost, estimated to be $91,905,000; i.e., the cost to the provincial government in forgone revenue would be about

$91,905,000 x .12 = $11,028,600

If the deduction were limited to, say, $500 to make it less regressive, the cost would be about

$500 x 37,000 x .12 = $2,220,000

An equivalent cost would probably apply if property taxes were made deductible for the purpose of provincial income taxes paid by the parents of private school students.

*Tax Credits to Parents.* Tax credits to parents probably offer the most flexible method of giving aid to parents through the tax system since it is a technique consistent with current Ontario tax credits for property and sales taxes. In practice, parents with children in private schools would either add a proportion of the tuition paid, or more likely, be allowed to enter 1.5 times the amount of their property taxes paid in a given year (which would, in effect, allow them to count property taxes for education twice) as the amount of property taxes paid. This ultimately would result in an increased credit.

For average parents with a child in a private school, this approach would probably offer little or no benefit since their income would be above the threshold at which a credit would be earned. However, it would be of benefit to lower income individuals. For example, for a family of three that pays $1000 in property tax and has one wage earner with taxable income of $15,000 (or net income of about $23,000), the value of the tax credit would increase by $50 from $61 to $111, or from 0.4 percent of taxable income to 0.7 percent. The small amount involved reflects the "lack of generosity" of the Ontario Tax Credit plan rather than the limits of this technique. This same family would receive a tax benefit of $367 from the federal Child Tax Credit plan. In both cases, it should be noted, the tax credits are "refundable"; that is, if a person has no taxable income, they would still receive a refund cheque from government equal to the total amount of the credits.

# TRANSITIONAL COSTS OF PROVIDING AID

Each of the programs suggested above involve transitional costs of three types: the cost of implementation and administration, the cost associated with the actions of privately and publicly operated schools in response to the funding programs, and the cost of future growth in the per pupil value of the aid program.

Implementation and administrative costs for any form of private school funding would be directly related to the size and complexity of the technique being used to extend funding. Clearly, it would be less complex and expensive to deal with a dozen "school systems" than with 550 schools, but 550 schools would be more easily accommodated than 3700 teachers or the tens of thousands of parents whose 55,000 children are enrolled in private schools. Similarly, the adaptation of existing systems of allocation to the requirements brought about by an extension of funding is less expensive than creating new systems for the purpose. Thus, setting up a system of direct payments to parents or teachers would be more costly than using current grant formulas to make allocations to schools or school systems, or using the income tax system to provide indirect relief to parents for tuition or property taxes payments.

One should, of course, take into account the cost of implementation and administration relative to the amount of funds being allocated. That is, it may be worthwhile to set up a new administrative system to forward grants to parents if these grants are equal in value to average tuition fees, but not if the grants have a value of only $50 per student. It would seem far better to allocate a relatively small amount via a tax credit on the income tax, whose forms must be redesigned and reprinted each year.

The cost associated with the response of publicly and privately operated schools to the introduction of funding for private schools refers particularly to changes in the efficiency of each. If there is a small shift, say, from public to private schools, the efficiency of the former may decrease while the efficiency of the latter may increase due to the change in the relationship of fixed to variable costs in each. That is, as we have seen with enrolment declines in public schools particularly, costs per pupil tend to rise as enrolments decline since fixed or semi-fixed costs are spread over fewer students. The converse will be true in private schools which, according to our survey data, have room for more pupils at their current sites.

At the same time, as we noted earlier, it is possible, even with a loss in efficiency (as measured by per pupil costs) in public schools, that increases in private school enrolment may reduce the total cost of education to the public even if subsidies are given, as long as these subsidies *plus* the cost of the lost efficiency in the publicly operated system are less than the current cost per pupil in the latter system. A large subsidy (approaching the current per pupil cost in publicly operated schools), however, would result in a higher overall cost since there would be an overall loss in efficiency.

Finally, there are long term transitional costs related to the almost inevitable growth in any system of subsidy once it has begun. It would seem that calls for "parity" between privately and publicly operated schools would be as inevitable as the calls for "parity" between public and separate schools by supporters of the latter have been. Under some of the options suggested (e.g., allowing systems of private schools to become publicly operated boards under the *Education Act*), there would seem to be no reason not to grant parity. Under other options (e.g., full funding of tuition or supplements to teachers' salaries), it would certainly be reasonable to expect increases related to either inflation or increases in expenses in publicly operated schools, but less reasonable to expect full equal treatment. Nevertheless, even modest subsidies, *whatever form,* would probably be looked upon as a first step by some, with the expectation that other forms of funding would follow. In particular, a community of interest would develop between private school and public school teachers that would see them unite to form a single lobby for at least some purposes, whether it be increased salaries or better working conditions. Some types of subsidies (e.g., direct grants to schools or teachers) would seem to favour the evolution of such a development.

No specific estimates were made of any of the transition costs since the costs seemed to depend on too large a number of factors. Nevertheless, the principles enunciated in this section, if applied to any particular proposal, should serve as a guide to estimating its transition costs.

# DISCUSSION, CONCLUSION, AND RECOMMENDATIONS

Earlier in this paper, the three economic functions of government were discussed; namely, allocation, stabilization, and redistribution. These concepts can now be used to evaluate the various proposals for funding private schools that have been discussed and to come to some conclusions as to which options are most viable within the Ontario context.

The allocation function, it will be recalled, refers to the decisions by government as to what activities will receive public funds and, perhaps, operate within the public sector, and which will not. Extension of funding to private schools would imply a recognition that it is in the community's interest to see private schools receive public funds beyond the significant indirect assistance already provided via property tax exemptions and income tax deductions for religious tuition and charitable donations. An argument for making such a change, it would seem, must be defended in terms of the government's carrying out its other economic functions.

In stabilizing the economy, government is concerned with the levels of unemployment, prices, and economic development. How would extending more support to private schools be evaluated in terms of its effect on these three variables?

As far as unemployment is concerned, extending additional support to private schools would seem to guarantee greater job stability and perhaps higher salaries to teachers in these schools. This could be viewed both positively (reducing the teachers' likelihood of unemployment) and negatively (effecting a price increase in the educational service being provided). If aid could be designed to accomplish the former (greater stability) and not the latter (increased costs), society would seem to benefit. If subsidies for privately operated schools resulted in a shift of students to private schools (due to the lower fees being charged), the economy as a whole would be more efficient, even if that efficiency was bought at a price of jobs in the public sector.

The move toward "privatization" by the Ontario government in some areas (e.g., nursing homes) would seem to be based on a set of assumptions such as that just provided; i.e., the private sector can do it cheaper, even when the service is government subsidized. Yet, as least as far as education is concerned, such a policy is in direct contradiction to the government's decision to bring private Roman Catholic secondary schools into the public sector. As well, analysis of funding arrangements for private schools in other jurisdictions leads to the conclusion that long term cost savings are unlikely. Thus, neither reduction in unemployment nor achieving greater stability of educational costs would seem to justify further public funding of private schools.

What of economic development? Two arguments might be made to support the further subsidization of private schools by government. First, if private schools are more effective than publicly operated schools in that their graduates make a greater contribution to the Ontario and Canadian economies than do the graduates of publicly operated schools, then they deserve the encouragement more funding would bring. At present, there is no evidence at hand to defend such an argument as this.

Second, private schools, in attracting students from other countries who wish to prepare for university in Ontario, may contribute to the level of economic activity in Ontario. There is good evidence that this is the case, though reliable data on the numbers and trends in enrolment of "visa" students in Ontario's private schools could not be obtained. It should be emphasized that foreign students who bring funds from home to pay fees and live in Canada can still make a net contribution to the economy even if their education is subsidized by virtue of the multiplier effect that new money has as it is cycled through the economy. *Therefore, government ought not disallow subsidies that benefit a visa student unless these subsidies exceed the net benefit to the economy brought by the student's presence.* It also might be noted, as well, that senior level visa students are often enrolled in advanced level courses in small schools that could not operate effectively without them; i.e., these students facilitate the more efficient operation of many schools, both public and private.

Thus, in terms of government's stabilization function, no strong argument can be found for extending funding to private schools, except in the case of foreign students.

Government's third economic function, redistribution, contributes stronger arguments for government aid. For example, one can ask whether it is fair that parents who wish for their children a different type of education than that provided by publicly operated schools receive so little aid from society at large in the education of these children. That these schools are in society's interest is recognized by virtue of their right to operate and their being given, apparently without exception, charitable status when not operated as proprietary businesses.

Ultimately, of course, it is not fairness to the parents but fairness to the children that one must consider. Government must ensure that the welfare of the child does not suffer unduly as a result of their parents' decisions. As well, equality of educational opportunity (an ideal often cited by government) could be construed as requiring that opportunities to attend private schools should be extended to children of low income parents, since they are already available, albeit at some sacrifice, to the children of parents of average and upper incomes.

If these arguments are accepted as providing a fair reflection of the meaning of equity as held by people and government of Ontario, then it would appear that there is room to increase public support for private schools without threatening the welfare of the publicly operated schools and their students.

First, under the child benefit theory, it would seem the provision of free textbooks and transportation to private school students would increase both the quality of their education and the equitability of arrangements for this education. Second, it is only a slight extension of this argument to support the provision to private schools of equipment which is made available to children in public schools, particularly when this equipment is funded under categorical grant programs.

Third, it would seem that the precedence set in Ontario by which parents can direct the educational portion of their property taxes to the school system of their choice ought to be generalized so that private schools enjoy the benefit of the taxes paid by the parents of their students. This option seems most equitable since this tax payment is taken to reflect the property owner's contribution to general good created by a universally educated populace. Thus, it would be fair recognition of the "spillover" effects provided by the private education of youth.

How could this plan be carried out? First, to avoid undue administrative complexity, private schools could be responsible for providing data to the provincial government as to the amount of these taxes. Second, the provincial government could allocate grants to private schools based on the number of students enrolled at the elementary or secondary levels, the wealth of the schools as measured by the property taxes paid by their students' parents, and the total value of the property taxes paid by the parents of all private school students. That is, the property taxes of all parents with children in private schools would, in effect, be pooled so that they could be fairly distributed among all private schools. In theory, one could have these property taxes paid to the provincial rather than local governments. However, this is needlessly complex, since having the taxes paid to the provincial government would simply reduce the assessment of the school board in question, a step that would set off an increase in the grant the board received from the government. Thus, the senior level of government would pay in any case.[40]

The cost of these three proposals would include about $1,375,000 for texts, an undetermined amount for equipment, between $6,000,000 and $9,000,000 for transportation, and $27,500,000 for the property tax reallocation. That is, the total would be about $35,000,000 or $636 per student, excluding funds for equipment. This amount would significantly aid private schools, increasing their funding levels near to that in the publicly operated systems if no reduction in tuition were made. At the same time, since grants would be larger in the schools with least wealth, the funds would go where they were most needed.

The amounts of all these grant programs, it will be noted, would be set without reference to private schools *per se*. That is, the funding for texts, equipment, and transportation could be tied to Ministry regulations or averages spent in publicly operated boards, and tax rates are set by local publicly operated boards. Thus, there would be few opportunities for private school supporters to lobby for "parity".

Notwithstanding the above suggestions, it seems that it would also be consistent with the assumptions about the meaning of equity in Ontario for other systems of education, in addition to the public, non-secular system and Roman Catholic separate system, to have an opportunity to become publicly operated boards under the *Education Act* if they so wished. Unlike the previous proposals, this would make the schools more an instrument of government, entitling them to full funding under the grant regulations. The cost of this, as previously estimated, would be about $200,000,000, excluding the loss of federal funds that currently flow to Ontario via the mechanism of tax deductions.

It will be noted that options for assisting private schools such as direct payments to parents and income tax deductions or credits have been omitted from the suggestions above. This omission was based on the view that direct payments or deductions for the parents of children in private schools would be perceived as inequitable since they would seem to favour a small group of parents. As well, direct grants or tax credits for private school teachers were rejected for the same reason.

Finally, it should be emphasized that the recommendations are based within a certain set of assumptions regarding governments' and society's desires or values as far as the education of all Ontario youth are concerned. Other assumptions, particularly those concerned with the social role of education in building a coherent society, could direct one to other conclusions if these values instead were held to be paramount.[41]

## ADDENDUM JUNE 5, 1985

Re: Federal Budget Implications for Private Schools (Catch)

The recently announced federal budget will eliminate one of the methods of reducing the cost of private schooling discussed on page 17 and 18 of my paper for the Commission. That option, often referred to as "income splitting" allowed parents to set up trusts for their children, and to use the income from the trusts (which were taxed in the child's name) to pay for items such as private school tuition. For individuals in the 50% tax category, this option effectively reduced the cost of tuition by half.

Under the budget, such trusts can no longer be set up; no additional contributions can be made to existing trusts, and existing trusts must be phased out by 1988.

It is quite possible the elimination of income splitting will make some high-fee private schools change their opposition to additional assistance from government. It is my understanding that many of their clientele are now salaried professionals who do not have unlimited resources and for whom an effective doubling of the cost of private schooling for their children would be difficult to accept. (This assumes, of course, these individuals have made use of trusts to reduce the cost of private schooling). This group will also be hit hard by other tax increases in the budget, such as the deficit reduction surtax and the reduction in the child tax exemption.

Thus, it appears likely that some high-fee private schools may find a significant decline in the number of parents able to pay for a private education, though the full impact of the tax measures will not be felt until 1989 and beyond.

# FOOTNOTES

1. Ministry of Education, Ontario, "Private Schools as of July 1, 1984", Research and Information Branch, MOE: Toronto, July, 1984. Mimeographed.

2. Aaron Samuel Gurwitz, *The Economics of Public School Finance.* Ballenger Publishing Company: Cambridge, MA, 1982. pp. 25-28. In addition to the social welfare approach, Gurwitz describes "The local choice approach" which leaves the issue of educational quality up to small local school boards to decide in order to reflect the tastes of their residents.

3. Richard A. Musgrave and Peggy B. Musgrave, *Public Finance in Theory and Practice.* 3rd ed. McGraw-Hill Book Company: New York, 1980. Chapter 1.

4. Stephen B. Lawton and Theodore Tzalalis, "Is Ontario Under-Investing in Elementary Education ?", Report prepared for and funded by the Ontario Public School Teachers' Federation. Toronto, June 1983, Revised December 1984. pp. 47-58. Mimeographed.

5. The policy regarding student visa fees, especially at the secondary level (i.e., payment of full fees), is inconsistent with other government policies that subsidize "export" industries that bring new funds into the Canadian economy, since it is recognized that new funds multiply themselves by a factor of 2½ to 3 times as they circulate through the economy. This question is of at least tangential relevance to the Commission on Private Schools in that a number of private "visa" schools (catering primarily to overseas students bound for Ontario universities) have been hard hit by the increase in student fees that have priced Ontario universities out of the international post-secondary education market. Other private schools that also used to admit such students for grades 11, 12 and/or 13, though serving primarily Ontario residents, have also experienced a loss of full tuition visa students who helped them to maintain not only their revenues but also larger enrolments in their more specialized university entrance science and math classes. (Source — personal discussion with private school personnel and visa students.) According to the federal Department of Manpower and Immigration, in 1983 a total of 17,574 student visas were issued for individuals applying to Ontario's private, public and separate schools, incuding 2,715 elementary pupils and 14,859 secondary pupils (Phone query: January 28, 1985). In contrast, statistics not yet released from the Ministry of Education suggest visa student enrolment in public and separate schools may not exceed 2100 for 1984/85.

6. Ontario Teachers' Federation, "Funding of Education", *In Fact* (October 1984).

7. Ministry of Education, Ontario, "Enrolment Statistics from School September Report 1983". MOE: Toronto, June 1984. Mimeographed. In fact, not all 30,485 Roman Catholic secondary schools will accept the government offer of funds. Prestigious St. Michael's College School, one of the oldest schools in Ontario, has announced its intention to "return to independent status between 1985-86 and 1988-89". This decision will reduce separate school enrolments by approximately 450 in grades 9 and 10, and an estimated 700 in grades 11 to 13. *(Globe and Mail,* January 11, 1985 and *Directory of Education. Ontario, 1983-84).* Henceforth, a figure of 55,000 students will be used to reflect private school enrolments after extension of the separate school system, rather than the 53,158 used here, in order to account for decisions to reassume independent status by a small number of Roman Catholic secondary schools.

8. Joel D. Sherman, "Public Finance of Private Schools: Observations from Abroad". Chapter 4 in Thomas James and Henry Levin, *Public Dollars for Private Schools.* Temple University Press: Philadelphia, 1983. pp. 71-83.

9. Otto F. Kraushaar, *Private Schools: From Puritans to the Present.* The Phi Delta Kappa Educational Foundation: Bloomington, Indiana, 1976. Bicentennial Series, Fastback 78.

10. Stephen B. Lawton, "Public Support for Catholic and Denominational Schools: An International Perspective". Paper presented at the Annual Conference of the Ontario Association of Education Administrative Officials, Toronto, Ontario, October 31 to November 2, 1984.

11. By Ministry of Education estimate, approximately 4500 visa students are enrolled in private schools. See also note 5.

12. Memorandum from R.J. Hunter, Education Officer, Private Schools, Ontario Ministry of Education, to N. Emery, Executive Director, Commission on Private Schools in Ontario, dated September 11, 1984.

13. David W. Breneman, "Where Would Tuition Tax Credits Take Us? Should We Agree to Go?". Chapter 6 in Thomas James and Henry Levin, *Public Dollars for Private Schools.* Temple University Press: Philadelphia, 1983. p. 113. See also, Stephen B. Lawton, "The Public Funding of Roman Catholic Secondary Schools in Ontario: Implications for Educational Finance". Paper presented at the OCLEA conference, The Funding of Roman Catholic Secondary Schools: Issues and Implications, Toronto, Ontario, November 8-10, 1984.

14. Joel D. Sherman, *op. cit.* pp. 79-80.

15. See, for example, John E. Coons, "Of Family Choice and 'Public' Education", *Phi Delta Kappan.* September 1979. pp. 10-13. Donald A. Erickson, "Should *All* the Nation's Schools Compete for Clients and Support?" *Phi Delta Kappan,* September 1979. pp. 14-17, 77. And E.G. West, "The Prospects for Education Vouchers: An Economic Analysis". Chapter 10 in Robert B. Everhart (Ed.), *The Public School Monopoly.* Ballinger: Cambridge, MA, 1982. pp. 369-391.

16. R.J. Hunter, *op. cit.* p. 2.

17. *Ibid.*

18. Justice Francis C. Muldoon, "Between Lyle McBurney, plaintiff, and Her Majesty the Queen, defendant. Reason for Judgment", St. Catharines, Ontario, *Calvinist Contact,* September 14, 1984.

19. Cathryn Motherwell, "Use of Children's Trusts Grows among Middle-Income Families", *Globe and Mail,* January 7, 1985.

20. Chris Burke, "Family Allowance Plan Paying More to the Rich than the Needy", *Globe and Mail,* January 3, 1985 and "Reforms Urged for Income Aids", *Globe and Mail,* January 4, 1985.

21. *Ibid.*

22. E.G. West, *Nonpublic School Aid.* Lexington Books, D.C. Heath and Company: Lexington, MA, 1975.

23. The letters **a, b, c,** and **d** used for the footnotes in Table 1 are used to indicate the cell location.

24. Government of Ontario, *Education Act.* Revised Statutes of Ontario, 1980. Chapter 129, 1 (1) paragraph 40.

25. Ministry of Education, Research and Information Branch, "Private Schools in Ontario as of July 1, 1984", MOE: Toronto, July 1, 1984. Mimeographed.

26. Ministry of Education, Research and Information Branch, "Table 9.20. Enrolment in Private Schools by Grade and Sex – September 30, 1983" and "Table 9.40. Private School Teaching Staff – September 30, 1983", MOE: Toronto, no date. Computer output.

27. Marina Ballantyne, Jay G. Chambers and Susanne Lajoie, *A Comparative Study of Public and Private Schools in the San Francisco Bay Area: A Descriptive Report.* Institute for Research on Educational Finance and Governance (IFG), School of Education, Stanford University, November 1984. Project Report No. 84-A17. Mimeographed. Table II.2, p. 17.

28. As of January 20, 1984, the maximum salaries in the A4 (top) grid position for 1984/85 salary settlements were as follows: public elementary (36 of 76 boards), $44,223; public secondary (40 of 76 boards), $44,516; and separate school boards (29 of 48 boards), $42,962. Source: Ontario Education Relations Commission (Phone call, January 29, 1985).

29. Ontario Ministry of Education, "1984 Weighting Factor Information", MOE: Toronto, no date. Mimeographed. p. 14.

30. A recent study in California reported salaries were 25.6 percent lower among teachers in Roman Catholic parochial schools than those in the public schools; differences of 22.9 percent, 13.0 percent and 12.9 percent were reported respectively for non-Catholic religious schools, non-sectarian private schools, and Roman Catholic schools operated by religious orders (as opposed to parishes or dioceses). In these analyses, the author was able to control for different levels of qualifications and experience, something that was not done in the present study. See Table 4 in Jay G. Chambers, *Patterns of Compensation of Public and Private School Teachers.* Institute for Research on Educational Finance and Governance (IFG), School of Education, Stanford University, Stanford, CA, August, 1984. Mimeographed. p. 25.

31. See note 7.

32. Ontario Ministry of Education, "Survey of School Board 1983 Financial Statements and Comparative per Pupil Costs by Expenditure Function", MOE: Toronto, November 7, 1984. Mimeographed.

33. Statistics Canada, *Census Divisions: Population, Occupied Private Dwellings, Private Households and Census and Economic Families in Private Households – Selected Social and Economic Characteristics* (1981 Census). Minister of Supply and Services, Government of Canada: Ottawa, August 1983. Catalogue 95-942 (Volume 3-Profile Series B). Table 1, pp. 129-130.

34. The Commission on the Reform of Property Taxation in Ontario, *The Report of the Commission on the Reform of Property Tax in Ontario* (The Blair Commission), Government of Ontario, Toronto, March 1977, pp. 76-80. The Commission did not estimate the value of the property of private schools, though it did comment, "It would be illogical to diffuse the capacity for financial support of these (public and separate) school systems by also supporting private institutions which, though devoted to education, restrict this by way of direct or implied stipulations as to financial capacity, social standing, and so forth." (p. 77). Their system of grants was meant to offset the double taxation that would occur should parents with children in private schools be required to pay property tax on both their residences in support of education and the schools which their children attended.

35. See "Schedule 1, Detailed Tax Calculation", for 1984 Income Tax Return, Revenue Canada Taxation, Ottawa, 1984.

36. This assumption is made noting that tuition represents 71 percent ($1671/$2346x100) of the revenue per pupil and that in a religious school it would be reasonable for one-fifth (.71x.25 = .18) of the curriculum to be devoted to religious instruction.

37. The enrolment increases estimated by respondents are well above the 7.6 per annum increase experienced between 1973 and 1983 according to Ministry of Education statistics. See *Education Statistics Ontario, 1983,* MOE: Toronto. Table 9.21, p. 178.

38. David W. Breneman, *op. cit.*

39. The $162 per pupil transportation cost is based on the data set referred to in note 32.

40. In fact, this would be true only for taxes paid toward a board's contribution to the grant ceiling. Amounts raised to fund expenditures over the grant ceiling would not normally be made up by provincial grants. Therefore, this plan would indirectly tie the grant to private schools to actual school board expenditures rather than to the grant ceiling.

41. The author's own views are given in S.B. Lawton, "The Public Funding of Roman Catholic Secondary Schools in Ontario: Implications for Educational Finance". In effect, they can be summarized by the advice, "One step at a time." A different emphasis is taken in the present paper in order to provide an assessment as to the viability of different funding options that would be consistent with the government's decision to extend the financing of Roman Catholic schools beyond that required by *The Constitution Act.*

# BIBLIOGRAPHY

1. Ballantyne, Marina; Chambers, Jay G.; and Lajoie, Susanne, *A Comparative Study of Public and Private Schools in the San Francisco Bay Area: A Descriptive Report.* Institute for Research on Educational Finance and Governance (IFG), School of Education, Stanford University, November 1984. Project Report No. 84-A17. Mimeographed.

2. Breneman, David W., "Where Would Tuition Tax Credits Take Us? Should We Agree to Go?". Chapter 6 in Thomas James and Henry Levin, *Public Dollars for Private Schools.* Temple University Press: Philadelphia, 1983.

3. Burke, Chris, "Family Allowance Plan Paying More to the Rich than the Needy", *Globe and Mail,* January 3, 1985 and "Reforms Urged for Income Aids", *Globe and Mail,* January 4, 1985.

4. Chambers, Jay G., *Patterns of Compensation of Public and Private School Teachers.* Institute for Research on Educational Finance and Governance (IFG), School of Education, Stanford University, Stanford, CA, August, 1984. Mimeographed.

5. Coons, John E., "Of Family Choice and 'Public' Education", *Phi Delta Kappan,* September 1979.

6. Erickson, Donald A., "Should *All* the Nation's Schools Compete for Clients and Support?" *Phi Delta Kappan,* September 1979. pp. 14-17, 77.

7. Government of Ontario, *Education Act,* Revised Statutes of Ontario, 1980. Chapter 129, 1 (1) paragraph 40.

8. Gurwitz, Aaron Samuel, *The Economics of Public School Finance,* Ballenger Publishing Company: Cambridge, MA, 1982.

9. Hunter, R.J., Education Officer, Private Schools, Ontario Ministry of Education, Memorandum to N. Emery, Executive Director, Commission on Private Schools in Ontario, dated September 11, 1984.

10. Kraushaar, Otto F., *Private Schools: From Puritans to the Present.* The Phi Delta Kappa Educational Foundation: Bloomington, Indiana, 1976. Bicentennial Series, Fastback 78.

11. Lawton, Stephen B., "The Public Funding of Roman Catholic Secondary Schools in Ontario: Implications for Educational Finance". Paper presented at the OCLEA Conference, The Funding of Roman Catholic Secondary Schools: Issues and Implications, Toronto, Ontario, November 8-10, 1984.

12. Lawton, Stephen B., "Public Support for Catholic and Denominational Schools: An International Perspective". Paper presented at the Annual Conference of the Ontario Assoc. of Education Administrative Officials, Toronto, Ontario, October 31-November 2, 1984.

13. Lawton, Stephen B., and Tzalalis, Theodore, "Is Ontario Under-Investing in Elementary Education?". Report prepared for and funded by the Ontario Public School Teachers' Federation. Toronto, June 1983, Revised December 1984. Mimeographed.

14. Ministry of Education, Ontario, "Enrolment Statistics from School September Report 1983". MOE: Toronto, June 1984. Mimeographed.

15. Ministry of Education, Ontario, "Private Schools as of July 1, 1984". Research and Information Branch, MOE: Toronto, July 1984. Mimeographed.

16. Ministry of Education, Research and Information Branch, "Table 9.20 Enrolment in Private Schools by Grade and Sex — September 30, 1983" and "Table 9.40. Private School Teaching Staff — September 30, 1983", MOE: Toronto, no date. Computer output.

17. Ministry of Education, Research and Information Branch, "Private Schools in Ontario as of July 1, 1984", MOE: Toronto, July 1, 1984. Mimeographed.

18. Motherwell, Cathryn, "Use of Children's Trusts Grows among Middle-Income Families", *Globe and Mail,* January 7, 1985.

19. Muldoon, Justice Francis C., "Between Lyle McBurney, plaintiff, and Her Majesty the Queen, defendant. Reason for Judgement", St. Catharines, Ontario, *Calvinist Contact,* September 14, 1984.

20. Musgrave, Richard A. and Musgrave, Peggy B., *Public Finance in Theory and Practice.* 3rd ed. McGraw-Hill Book Company: New York, 1980.

21. Ontario Ministry of Education, "1984 Weighting Factor Information", MOE: Toronto, no date. Mimeographed.

22. Ontario Ministry of Education, "Survey of School Board 1983 Financial Statements and Comparative per Pupil Costs by Expenditure Function", MOE: Toronto, November 7, 1984. Mimeographed.

23. Ontario Teachers' Federation, "Funding of Education", *In Fact* (October 1984).

24. Salloum, K. and Robinson, N., "Public Education — Private Subsidy", *The B.C. Teacher.* December/January, 1985. pp. 37-39.

25. Sherman, Joel D., "Public Finance of Private Schools: Observations from Abroad". Chapter 4 in Thomas James and Henry Levin, *Public Dollars for Private Schools.* Temple University Press: Philadelphia, 1983. pp. 71-83.

26. Statistics Canada, *Census Divisions: Population, Occupied Private Dwellings, Private Households and Census and Economic Families in Private Households — Selected Social and Economic Characteristics* (1981 Census). Minister of Supply and Services, Government of Canada: Ottawa, August, 1983. Catalogue 95-942 (Volume 3-Profile Series B).

27. The Commission on the Reform of Property Taxation in Ontario, *The Report of the Commission on the Reform of Property Tax in Ontario* (The Blair Commission). Government of Ontario: Toronto, March 1977.

28. West, E.G., "The Prospects for Education Vouchers: An Economic Analysis". Chapter 10 in Robert B. Everhart (Ed.), *The Public School Monopoly.* Ballinger: Cambridge, MA, 1982. pp. 369-391.

29. West, E.G., *Nonpublic School Aid.* Lexington Books, D.C. Heath and Company: Lexington, MA, 1975.

# APPENDIX A: PRIVATE SCHOOL FINANCE QUESTIONNAIRE

A. Description of School
1. Grades enrolled in school: ____________________
2. Total enrolment (September 1984): ____________________
3. Total full-time equivalent (FTE) teachers, including principal: ____________________
4. Affiliation or type of school.

Please indicate which category or categories apply to your school (Check all that apply):
a. ______ Roman Catholic
b. ______ Ontario Alliance of Christian Schools
c. ______ Jewish
d. ______ Amish/Mennonite
e. ______ Anglican
f. ______ Baptist
g. ______ Lutheran
h. ______ Canadian Reformed
i. ______ Presbyterian
j. ______ Seventh Day Adventist
k. ______ United Church
l. ______ Non-Sectarian
m. ______ Conference of Independent Schools
n. ______ Montessori
o. ______ Waldorf
p. ______ Special Education only
q. ______ French
r. ______ Bilingual
s. ______ Other: ________________________________________________________________

5. In what region is your school located?
(1) ______ Western Ontario
(2) ______ Central Ontario (not Metro Toronto)
(3) ______ Metro Toronto
(4) ______ Eastern Ontario
(5) ______ Northern Ontario

B. Revenue and Expenditures

6. Revenue for last fiscal year:
a. Tuition . . . . . . . . . . . . . . . $ ____________
b. Income from endowment . ____________
c. Grants . . . . . . . . . . . . . . . ____________
Sources:
________________________
________________________
d. Gifts . . . . . . . . . . . . . . . . . ____________
e. Other:
____________ . . . . . . . . . . ____________
____________ . . . . . . . . . . ____________
f. Total Revenue . . . . . . . . . $ ____________

7. Expenditures for last fiscal year:
a. Wages and salaries . . . . . . . . . . . . . . . $ ____________
b. Employee benefits . . . . . . . . . . . . . . . ____________
c. Supplies and materials . . . . . . . . . . . . ____________
d. Maintenance & energy . . . . . . . . . . . . ____________
e. Transportation . . . . . . . . . . . . . . . . . ____________
f. Capital expenses excluding debt . . . . ____________
g. Debt . . . . . . . . . . . . . . . . . . . . . . . . . ____________
h. Other: ________________ . . . . . . . . . ____________
i. Total . . . . . . . . . . . . . . . . . . . . . . . . $ ____________

C. Student Fees and Awards
8. Average annual tuition per pupil: $ ____________________

9. a. Does your school offer scholarships or other forms of student assistance, including sliding tuition scales, etc.?
(1) ______ No (2) ______ Yes

b. If yes, what is the *total* value of all such assistance in the current year? $ ________________

10. a. Does an affiliated Church offer scholarships or other forms of student assistance?
(1) ______ No (2) ______ Yes

b. If yes, what is the total value of such assistance? $ ________________

## D. Teaching Staff Salaries

11. Please indicate the typical salary of a teacher in your school with the following qualifications:
a. University Graduate, Ontario Teaching Certificate, 12 years experience $ ________________
b. University Graduate with Master's Degree, Ontario Teaching Certificate, no years of experience $ ________________
c. No University Degree, Ontario Teaching Certificate, 12 years experience $ ________________

12. What is the average salary of teachers in your school, including the principal? $ ________________

13. What is the principal's experience, academic qualifications and salary?
a. Total experience as educator ________________ yrs.
b. Academic qualification ________________
c. Salary $ ________________

## E. Facilities

14. What would you estimate is the current replacement cost of your school's land and buildings? $ ________________

15. Which of the following is available in your school?
a. ______ Gymnasium
b. ______ Playfields
c. ______ Library
d. ______ Music room
e. ______ Swimming pool
f. ______ Other Facility: ________________

16. How many students can your present building accommodate?
Number ________________

17. How would you rate your school's facilities compared to those of nearby public schools? (Check one.)
(4) ______ Better
(3) ______ Comparable
(2) ______ Slightly inferior
(1) ______ Very inferior

18. If your school facilities are inferior to nearby public schools, how much would you estimate it would cost to bring your school up to a comparable standard?
$ ________________

## F. Transportation

19. What percentage of students use the following methods of transportation to school?
a. Walk ______%
b. Drive by parent/friend/self ______%
c. Public transportation ______%
d. Bus funded by your school ______%
e. Other ______%
Total 100%

20. What percentage of students are resident or travel the following distances to school on a daily basis?
    a. Reside at school ______%
    b. Travel less than 1 mile (1.7 km) ______%
    c. Travel 1 to 2 miles (1.7 — 3.5 km) ______%
    d. Travel 2 to 5 miles (3.5 — 8 km) ______%
    e. Travel more than 5 miles (over 8 km) ______%
    Total 100%

G. Enrolment Projection

21. What do you believe would be the optimum enrolment in your school without regard to any limitations of the present facility? ________________

22. What do you expect your school's enrolment to be in each of the following years?
    a. 1985/86 ______
    b. 1986/87 ______
    c. 1987/88 ______

H. Income of Families

23. To assess the cost of certain funding choices, such as tax credits to parents of children attending private schools, it is necessary to have information on their families' incomes. To the best of your knowledge, what percentage of the families with children in your school fall into each of the following income categories?
    a. Under $15,000 ______ %
    b. $15,000 to $30,000 ______ %
    c. $30,000 to $50,000 ______ %
    d. Over $50,000 ______ %
    Total 100 %

24. Is your school a registered charity?
    (1) ______ No (2) ______ Yes

25. Comments:

Please forward the completed questionnaire to:

Stephen B. Lawton
Department of Educational Administration
OISE
252 Bloor Street West
Toronto, Ontario M5S 1V6

Thank you for your assistance.

Stephen B. Lawton
Associate Professor, OISE

## Appendix G

# "A HISTORY OF PRIVATE SCHOOLS IN ONTARIO"

Robert Stamp

December 31, 1984

This study was funded under contract by the Commission on Private Schools in Ontario. This study reflects the views of the author and not necessarily those of the Commissioner.

# CONTENTS

I. 1780-1850: Schools of Necessity . . . . . . . . . . 195
II. 1850-1900: Schools of Privilege . . . . . . . . . . 197
III. 1900-1960: Schools of Innovation . . . . . . . . . . 199
IV. 1960-1980: Schools of Protest . . . . . . . . . . 201
V. Conclusion: Schools of Ontario . . . . . . . . . . 204
Footnotes . . . . . . . . . . 206
Bibliography . . . . . . . . . . [illegible]

# I. 1780-1850: SCHOOLS OF NECESSITY

Ontario's first private schools were neither schools of class-based privilege nor schools of religious protest. They were, quite simply, schools of necessity. At a time in the late eighteenth century when the state was not involved in education, families who desired schooling for their children had of necessity to turn to the private sector. The most common arrangement saw an individual schoolmaster set up shop in his own home or in rented quarters, advertise his services and his rates, and begin instruction as soon as he had attracted enough children to make it a paying proposition. Sometimes the initiative for founding a school came from the parents themselves, occasionally from a religious or philanthropic group — but always from within the private sector.

These private-venture schools began dotting the Upper Canada (Ontario) countryside during the decade of the 1780s as Loyalist and other American immigrant groups took up land in the region. The year 1786, for example, saw schools begin in Kingston, Fredericksburgh, Ernestown and Sandwich. Each subsequent year saw additional ventures in these and other communities. Some of these early efforts were short-lived while others survived for a number of years before they too succumbed to changing demands. But for every school that closed, two or more opened to meet the needs of a growing population. By 1816, rudimentary private schooling had become widespread throughout the province. One traveller reported twenty-three schools in Norfolk County alone; another estimate placed the total number of schools in operation throughout the province at close to 200.[1]

The first proposal to inject public money into school financing came from John Graves Simcoe, the first lieutenant governor of Upper Canada after the province was separated from Quebec in 1791. Simcoe advocated state subsidization of upper class schooling, while leaving the lower orders to fend for themselves. His attitude, supported by many in high positions both in Britain and the colony, favoured proper schooling for the select few — "the children of the principal people of the country" — who would eventually become the country's leaders. For the rest, Simcoe held that "such education as may be necessary for people in the lower degrees of life . . . may at present be provided for them by their connections and relations." Simcoe firmly believed that the limited resources of the colony should be concentrated on the education of the few rather than spread thinly over the population as a whole.[2]

Simcoe's ideas were put into practice a decade later through the District Public (or Grammar) School Act of 1807, the first piece of educational legislation enacted by the parliament of Upper Canada. This act provided an annual grant of 100 pounds for one grammar school in each of the province's eight administrative districts. The act was criticized for its concentration on schooling for gentlemen's sons while neglecting common schooling for the masses. The schools themselves were criticized for the Church of England tone that permeated their teaching staffs and governing boards. Consequently there emerged an opposing network of private "academies" — Bath, Newcastle and Grantham, for example — that provided an alternative form of middle-class schooling. Compared with the grammar schools, the academies were considered somewhat more democratic in tone, more pluralistic in religious orientation, and more practical in their aims. Thus were born Ontario's first private schools of protest.

The founding of Upper Canada College in 1829 was consistent with the elitist approach to public education first enunciated by Simcoe. This time the initiative came from another lieutenant governor, John Colborne, who argued that, despite the efforts of the state-aided district grammar schools, the colony desperately needed a first-class preparatory school before any thought could be given to establishing a university. So Upper Canada College (first called the Royal Grammar School) began with its Church of England headmaster, its British-trained staff, its classical curriculum, and its "birch-rod" style of discipline. According to Gossage, "Colborne was fulfilling a desire to re-create in Upper Canada all that he considered worthwhile in the British public school system."[3] All this was financed through generous public endowments and grants, leaving the usually wealthy parents with relatively modest tuition fees. What later became the pre-eminent independent school in Canada, the school that more than any other was regarded as the archetypal private school, thus began as the most lavishly state-aided school in the first half-century of Ontario's history.

Opponents of the government made Upper Canada College a target of attack, since it appeared to be an obvious creation of the colonial establishment or Family Compact, maintained for its own advantage by grants of government land and money. William Lyon Mackenzie attacked both the class and religious biases of the new institution. "The College," he claimed, "was never intended for the people, that all classes may apply to the Fountain of Knowledge." Though technically non-denominational, Upper Canada seemed to reflect and perpetuate Anglican interests, conducted "on a narrow, bigoted and sectarian plan."[4] Mackenzie thus bequeathed to later generations the two most frequently voiced criticisms of Ontario's private schools — their class bias and their religious orientation.

The Upper Canada legislature addressed the question of state aid for lower class education through the Common School Act of 1816. This provided an annual grant of up to twenty-five pounds to help pay a teacher's salary in each school where twenty or more pupils were in attendance, and where the doors were open for at least six months per year. Even those seemingly modest requirements prevented the majority of common schools from qualifying for the grant. Further problems lay in the manner in which the local District Board of Education divided the grant among the schools in its district. Some boards simply divided the money equally among all qualified schools in the area; others favoured supporting a few superior schools at the expense of the many average efforts. Consequently the benefits of the 1816 legislation were spread unevenly throughout the province.

Government statistics show that the total number of grant-aided schools increased from 173 in 1817, to 1,721 in 1842, and to 3,059 in 1850. Unfortunately there is no precise means of measuring the number of non-aided schools during this period. But on the basis of extensive research, Gidney concluded that "there is a substantial amount of evidence" to suggest that until the early 1840s, "the non-aided schools were as numerous, or nearly so, as those that received government aid."[5]

Toronto provides good examples of the number and longevity of these non-aided schools. Between 1815 and 1846 city newspapers and directories contained notices for fifty-eight of them. As late as 1846 Egerton Ryerson claimed that only half the children attending day schools in the city were in government-aided schools. Of the large number of non-aided schools, some were quite exclusive, catering to the elite of the city and the province at large. Others served the sons and daughters of the middle classes, charging fees about the same as those of the district grammar schools. But, concluded Gidney, most were inexpensive, with fees comparable to those charged in the rural common schools.[6]

Other cities and towns boasted their own profusions of private-venture schools. Gidney discovered evidence of forty-eight such schools in Kingston between 1815 and 1846, with eleven showing continuity over three years or more. Podmore found that at mid-century, when optional rate assessment was introduced to support "free" state schools, the proportion of children attending private rather than state-aided schools varied from 11 to 51 per cent of the urban population, reaching 43 per cent in Hamilton, 44 in Kingston and 51.5 in Dundas.[7]

Yet by the middle third of the nineteenth century voluntarist and private approaches to schooling came under sharp attack from a new generation of public school promoters. Educational reformers like Egerton Ryerson in Upper Canada, and his counterparts elsewhere in North America and Western Europe, began emphasizing public rather than private educational aims. They argued that the urbanizing and industrializing society of the day needed a more highly schooled citizenry in order to advance the public good. Schools should exist to serve the political, economic and social needs of the state and the society. These school promoters called for increased public financing which was inevitably accompanied by increased state control.

Within less than a generation, both the common schools and the grammar schools of Upper Canada were brought under full public control. Legislation of 1850 allowed local municipalities to finance common schools through a property assessment. Sufficient funds could now be raised to assist all common schools in the community, thus ending the distinction between grant-aided and non-aided schools. Within two decades, 90 per cent of the province's municipalities had chosen this approach; consequently when such assessment was made compulsory in 1871 there were no great storms of localist protest. To underline the new order, the 1871 act changed the name from "common" to "public" school. At the same time, the old grammar schools were also brought under full public financing and control as high schools and collegiate institutes.

"The Ontario school system that took shape in the middle decades of the nineteenth century," concluded Gidney, "first undermined and then destroyed the traditional character of Upper Canadian educational provision."[8] With larger government grants and an improved administrative system, the number of non-aided schools that catered to the lower and middle classes declined sharply as these schools transformed themselves into grant-aided institutions. With public schools now readily available and accessible, the private school as a school of necessity waned and then died.

# II. 1850-1900: SCHOOLS OF PRIVILEGE

Department of Education statistics for 1871 showed 285 private schools in Ontario, with a total enrolment of 6,511 pupils. Four years later (the last year private school figures were given in the annual report) the number of schools had risen to 297 and the total enrolment to 7,982. Fragmentary evidence for the remainder of the nineteenth century suggests a steady decline in the actual number of private schools, with the smaller, weaker ones succumbing as they lost clientele to the free public schools. Total private school enrolment showed a modest growth, as the stronger schools established themselves in the educational marketplace. Given the even greater expansion of the public school sector, however, the actual share of the total enrolment held by the private schools slowly fell.

As the umbrella of public education spread over Ontario, the very term "private schooling" began to take on a new meaning. No longer did it imply schools of necessity in a pre-1840 sense, or even a broad spectrum of alternatives as was the case from the 1840s through the 1860s. By the 1880s the term "private schooling" had assumed elitist connotations. This second half of the nineteenth century saw the founding of many of the great private boarding schools of Ontario, schools that joined Upper Canada College as the elite among the independent schools.

The founders of these late nineteenth century private schools have been described by Purdy as being "stimulated by a variety of motives, not all of which were concerned with the academic needs of the province's youth." Religious idealism, sentimental attachment to old English institutions, patriotic and imperialistic notions, the desire to create a leadership class imbued with the ideas of Christian service — all were factors which led to the founding of these boarding schools. In turn, they were patronized by parents who sought for their children denominational education, superior or more specialized teaching, or vaguely defined social advantages — in short, "advantages that the emerging state schools did not or could not offer."[9]

Religious initiatives led to the founding of many of these schools. Roman Catholic groups launched St. Michael's College School (Toronto 1852), Assumption College School (Windsor 1857), Ursuline College (Chatham 1860) and Loretto Academy (Niagara Falls 1861). Initiatives from high Anglican groups within the Church of England led to Trinity College School (Weston 1862, then Port Hope 1868) and Bishop Strachan School (Toronto 1867). In response, the evangelical or low church Anglicans founded Bishop Ridley College (St. Catharines 1889) and Havergal College (Toronto 1894). Meanwhile the various non-Conformist denominations were also active: the Methodists with Albert College (Belleville 1857), Ontario Ladies' College (Whitby 1874) and Alma College (St. Thomas 1877); the Baptists with the Canadian Literary Institute (Woodstock 1857) and Moulton Ladies' College (Toronto 1888).

These schools were products of three very different traditions in the history of Canadian education. Schools like St. Michael's College stood squarely in the age-old Catholic tradition, which held that only church-control could guarantee proper emphasis on the fundamental Christian and Catholic purposes of schooling. Institutions like Trinity and Bishop Strachan were clearly in the Anglican tradition, which saw a close relationship between church and state; here the twin goals of loyalty to the crown and belief in Church of England doctrine were inseparable. Finally, there was the dissenting tradition, found in the Methodist and Baptist schools, and in the much older Pickering College of the Quakers, which stressed voluntarism in church-state educational relations.

In more practical terms, this plethora of denominational schools might be viewed as a manifestation more of democratic protest than of social elitism. Religious feelings and interdenominational rivalries permeated Ontario life during the nineteenth century. Some Protestants charged that the Roman Catholic Church had too much influence on the public school system; many Catholics thought just the opposite. Some denominations seemed to be declaring their opposition to what they perceived as the watered-down Christianity or outright secularism of the emerging public system; others were in part protesting against the Anglican exclusivity that still lingered in Ontario's upper class and official circles.

Each of the new denominational private schools was an attempt to provide sectarian-based instruction to the sons or daughters of its own flock. These schools, most of them residential in nature, provided a sheltered home-away-from-home, permeated by Christian morality, offering a kind of finishing-school gloss to youngsters who would not proceed to university, and, of course, serving as unofficial recruiting agencies for clerical and religious vocations.

Yet as the years progressed, the religious-protest feature of most of these schools took second place to their social-elitist function. While there were notable exceptions like Pickering College and many of the Catholic schools, the majority of the strong and enduring private schools of late nineteenth century Ontario opted for the elitist English model of Upper Canada College.

The result was a sustained attempt to import certain features of the English boarding school to the Ontario frontier: clerical headmasters; staffs with high proportions of British-trained teachers; strong emphases on sports and games accompanying the highly academic work of the classroom. All the schools advertised a well-rounded education within a Christian framework, hinting at leadership training for young men and social refinement for young ladies. All charged fees that seemed relatively higher each year, as the public high schools gradually lowered and eventually abolished their more modest charges. By the end of the nineteenth century the private schools had become almost exclusively the schools of the privileged.

The sexually-segregated private girls' schools of this period illustrate another aspect of this drift towards an old-world elitist model. The girls' schools of the mid-nineteenth century had been as much schools of necessity as schools of privilege, given the exclusion of female students (and female teachers) from the grammar schools. Not till the end of the 1860s were girls admitted on equal terms with boys to the classical course of the grammar schools, the course that was a prerequisite into the universities and the professions. Even after that many parents probably chose the private girls' schools out of a sincere belief that secondary level co-education was undesirable. By the end of the century, however, with girls in full attendance in the public high schools and storming the gates of the province's universities, the surviving private girls' schools, like their male counterparts, had become almost exclusively schools of privilege.

The stereotypical view of the Ontario girls' school comes from the later years of the nineteenth century. With their sheltered, usually residential environments, and a curriculum strong on languages and the arts, they offered social and moral refinements far beyond the range of the public high schools. In addition, there was the unspoken expectation of upward social mobility. Phillips has condemned these schools in most caustic terms:

> Small wonder that women of position or determination welcomed a type of education which would enable their daughters to escape the lot of ordinary women. Schools for young ladies carried their charges to the brink of matrimony with the attractions of unquestionable virtue, of an ingenuous manner complemented by adroit manners, and of purely social and ornamental accomplishments, with the further insurance against hard work of a seemingly delicate constitution.[10]

At the apex of Ontario's nineteenth century private school network stood Upper Canada College. High school inspector J.A. McLellan (a UCC old boy) was particularly complimentary in his evaluation of the school in 1881. If sufficient funding were forthcoming to permit the employment of first-rate masters, declared McLellan, "higher results in national education will be won, with profounder influences upon the moral, intellectual and industrial life of our community." Education minister George Ross, in laying the cornerstone for Upper Canada's new campus in 1891, praised the institution lavishly and virtually dedicated himself to its preservation. "Anything wrong that should happen to such a college, with such a career," declared Ross, "would be nothing short of calamity."[11]

Yet Upper Canada faced an increasing barrage of criticism during the latter years of the nineteenth century. "Now that our numerous collegiate institutes afford every facility for a first-class secondary education," observed Charles Mulvaney in 1884, "it is thought by many that Upper Canada has survived its usefulness." Financially pinched high schools looked with envy at the College's generous state endowment and demanded a more equitable division of the available money. Reform politicians and labour groups regarded it — with good reason — as a privileged institution, designed for and patronized by the wealthier families of the province. "In these democratic times, little is venerated," complained G. Mercer Adam in his 1893 official history of UCC, published just before the links between the school and the government were finally severed.[12]

Adam was articulating what seemed plainly evident to all private schools by the end of the nineteenth century — a very minor role in the provincial scheme of education. With the steady improvement of public high schools and the democratic tendencies of North America, Ontario's private schools could never fill the role that Eton, Rugby and Harrow had filled in England. These British transplants, declared Richard Harcourt, Ross's successor as education minister in 1899, were "of doubtful relevance for Ontario," where social values called for free secondary education for all.[13]

Purdy's later assessment of these schools reinforces Harcourt's contemporary views. Purdy summed up their influence this way:

> If the aim of Ontario boarding school founders in the nineteenth century was to produce leaders for the province and the nation and to infuse Canadian life with certain particular values and attitudes, then the attempt must be deemed a failure. The socio-economic milieu of the new environment rejected this transplant . . . These schools, by and large, were isolated, both geographically and socially, from the main trends of development in nineteenth century Ontario.[14]

# III. 1900-1960: SCHOOLS OF INNOVATION

By the end of the nineteenth century, independent entrepreneurs began to replace religious denominations as the initiators of new private schools. In a manner somewhat reminiscent of the earliest period in Upper Canada, these latest private schools usually began as one-man or one-woman institutions, shaped and dominated by their founders. These various founder-teachers were dissatisfied with the quality of available public education in Ontario. They believed that unfilled moral and academic and vocational needs of youngsters could best be met in the private domain. A number of these newer independent ventures were quite experimental, challenging the older private schools and the public school system itself to become more innovative.

The independent business college was one manifestation of the experimental private school that arose to challenge certain curricular and pedagogical assumptions of the public schools. The business colleges were extremely popular with both young men and women since they offered a type of training that the public high schools, due to their classical and grammar school origins, were slow to embrace; since they did not require any set level of educational attainment for admisssion; since they offered flexibility in terms of entry and exit points over a twelve-month school year; and since they were strictly vocational, avoiding all theoretical or abstract instruction. The heyday of the private business college lasted from about 1880 to 1920; after that the public school system expanded its offerings in business and commercial education to meet consumer demand.

In addition to these business colleges, there were a number of important private-venture academic schools founded in the late nineteenth and early twentieth centuries. The strongest of these endured and eventually joined the ranks of the province's elite private schools. These included Ashbury College (Ottawa 1891), where founder-headmaster George Woollcombe remained on the scene for more than forty years; Hillfield College (Hamilton 1901), where founder John Collinson stayed for thirty years; St. Clement's School (Toronto 1901), where Effie Gordon Waugh, daughter of one of the founders, took over in 1917 and remained until 1960; Branksome Hall (Toronto 1903), where Edith MacGregor Read purchased the school's assets in 1910 and ran the school for nearly fifty years; and Appleby College (Oakville 1911), operated by founder-headmaster John Guest for more than twenty years.

These non-sectarian private schools differed from the previous generation of denominational schools in many ways beyond administrative control. These newer ventures included more urban-based day schools and fewer rural and small town boarding schools among their ranks. They seemed to speak to a new generation of rising urban professional and commercial families in early twentieth century Ontario. Finally, they exhibited a little less old-country influence and more awareness of the North American environment in which they were located. At Appleby College, John Guest envisaged a school "founded in the tradition of the Old Land — rich in heritage and experience, but adaptable to the needs of a new country and the ways of Canadian boys."[15]

Stimulated by the influx of this new blood, many of Ontario's private schools became more innovative and experimental during these years. During the 1890s, for example, Woodstock College (the former Canadian Literary Institute) became the first school in the province to incorporate manual training (industrial arts) into its curriculum. At the same time Alma College in St. Thomas earned a reputation as one of Canada's leading art schools, winning an impressive array of prizes at the 1893 Chicago World's Fair. After the turn of the century Ovenden School in Barrie became the first in the province to use aspects of the Montessori system. Then in 1910 the University of Toronto Schools was established as a laboratory school for that university's education faculty.

The province's public schools were frequent beneficiaries of these private school innovations. Certainly Woodstock College's successful manual training classes helped break down public skepticism and opposition, and led to that subject's inclusion in the curriculum of Ontario's public elementary schools. And the University of Toronto Schools exposed generations of teachers-in-training to new pedagogical practices.

But the most innovative Ontario private school during the first half of the twentieth century was undoubtedly Pickering College. Not by any means a new actor on the scene, Pickering had been founded by the Quakers in 1842 under the name of the Westlake Boarding School near Picton. After serving as a First World War military hospital, it reopened its doors in Newmarket in 1927 under the leadership of its progressive headmaster, Joseph McCulley. Pickering had always been more new world in orientation than most of Ontario's boarding schools. Now in the late 1920s and 1930s under McCulley and Taylor Statten, its director of character education, Pickering became the major Ontario laboratory for the testing of John Dewey's progressivist educational theories and practices.

Close harmony between democratic classroom and the larger democratic community were emphasized at Pickering during the McCulley years. A student-elected committee worked with the staff on matters of mutual interest and concern. Dormitory regulations were few, and sprung from the principle that "all activities depend on the convenience and health of the greatest number." Most important, a large proportion of the classroom work was "co-related to the local community" through field trips and practical work in the school's craft shop and farm.[16]

Sensing success in his own environment, McCulley was anxious to spread progressivist doctrines beyond Pickering. During the 1930s he was one of the mainstays behind the Toronto branch of the New Education Fellowship, a small but influential circle of progressive educators who promoted Dewey's ideas and helped persuade the Ontario Department of Education to implement progressivist curricular changes through the 1937 revised *Programme of Studies . . . for the Public and Separate Schools.*[17]

Despite the contributions to public education made by a Pickering College or a University of Toronto Schools, however, the private schools as a group found themselves quite isolated from the Ontario educational mainstream on the eve of the Second World War. A good composite picture of the more elitist Protestant boys' schools is presented in *Private Schools of Canada*, edited by A.G.A. Stephen and published by Clarke, Irwin in 1938. This was a survey, seemingly designed for recruiting and money-raising purposes, of those boys' schools which were members of the Canadian Headmasters' Association. There were eight such schools in Ontario: Appleby, Ashbury, Hillfield, Ridley, St. Andrews, Trinity, Upper Canada, and the renegade Pickering.

This survey reported on such practical details as annual fees ($195 to $270 for day pupils, $675 to $750 for boarders) and staff qualifications (72 per cent now held Canadian university degrees). Each school proclaimed its devotion to the twin goals of academic excellence and character development through its close supervision of pupils both inside and outside of class. All this was co-ordinated by headmasters of impeccable character, each answering to a board of governors drawn almost exclusively from fine old Ontario WASP families.

Yet by the time of this publication, most of the traditional Ontario private schools had sunk into a kind of lethargy. Some found their socio-economic exclusivity now appealed to an ever declining constituency in a more egalitarian twentieth-century Canada. Others discovered that their religious emphases were less desired in an increasingly secular society. Many of the sexually segregated all-girls' and all-boys' schools lost potential pupils to the co-educational public school sector. Despite periodic curriculum innovations, the private schools could not hope to offer the more expensive technical and commercial education programs that drew increasing enrolments in the public high schools. What future awaited these schools in the years following the end of the Depression and the Second World War?

Private schools were certainly not important to the Royal Commission on Education in Ontario, chaired by Justice J.A. Hope. The Hope Commission devoted just nine of the 933 pages of its 1950 report to private schools. It identified 134 "approved" private schools in the province, schools that were duly registered with and authorized to offer instruction by the department of education. These schools in 1947-48 enrolled approximately 4,700 pupils in the elementary grades (about one per cent of the provincial total) and 13,500 in the secondary grade (about 10 per cent of the total). Some dated from the first half of the nineteenth century, whereas many had been founded within the previous two or three decades. But they were to remain in the private domain; the Hope Commission recommended their continued exclusion from local tax monies and provincial grants.

A distinctive pessimistic tone characterized published accounts of private schools during the 1950s, as their enrolment slipped below two per cent of the provincial total. Such *Financial Post* articles as "Will Costs Close Canada's Private Schools?" (July 12, 1952) and "There's a Crisis in These Canadian School Yards" (January 21, 1956) conveyed an impression of expenses rising faster than revenues, higher tuition fees producing an even more restricted clientele and below-capacity enrolments, and schools searching desperately for alternative sources of funds.

It is tempting to conclude that the Ontario private school was on its way out by 1960. Its old-world WASP ethos seemed out of place in an increasingly multicultural Ontario. How quaint, how archaic, how irrelevant were these private schools with their chapel services and playing fields, their masters and house systems, their Old Boys' and Old Girls' associations, their careful delineation of the separate roles that society wanted for men and women. They were cloistered, isolated and conservative, and they presented to the rest of the world a smug and self-congratulatory, snobbish and exclusive attitude.

The general public seemed more indifferent than openly hostile, but it was almost a damning kind of indifference. "In the image of middle-class equality that Canadians have of their society," wrote sociologist John Porter, "the private school does not belong. It is something associated with the aristocratic societies of Europe and is rarely thought of as being a significant feature of Canadian life."[18]

# IV. 1960-1980: SCHOOLS OF PROTEST

The lethargy, pessimism and apparent declining significance of private schooling in mid-twentieth century Ontario, proved to be but a passing phase. The years following 1960 witnessed both a quantitative growth and an increasing diversity within the province's private school sector not seen since the early years of the nineteenth century.

From the 134 private schools identified by the Hope Commission in 1947-48, the number rose to 242 in 1969-70, 335 in 1977-79, and 551 by 1984. Ministry of Education statistics for September 1983 showed 83,463 pupils attending private schools. This was almost four times the 1960 total, and more significantly, represented a doubling in the proportion of pupils attending private schools from approximately two per cent to four per cent of the provincial total. The 1983 figures also showed a more even distribution across the total grade structure than ever before, with 35,998 in elementary grades and 47,645 in secondary grades. Religious and philosophic diversity was also more evident than in previous periods, with 31,881 pupils in Roman Catholic private schools, 9,383 in schools belonging to the Ontario Alliance of Christian Schools, 7,599 in Jewish schools, 4,923 in Anglican schools, 2,612 in Mennonite schools, 8,700 in schools of other religious denominations, and 18,545 in non-sectarian private schools.

Roman Catholic schools comprised the largest component with 37 per cent of Ontario's private school enrolment. Since public financing for Catholic separate schools ended at Grade 10, private financing was mobilized to ensure the continuation of a Christian and Catholic atmosphere through the final three years of high school. The result was the twentieth century private Catholic high school, usually located in a larger urban centre, where a sizeable Catholic population and a well-established separate school system could provide enough recruits for its Grade 11 beginning. Early examples included Cathedral High School (Hamilton 1912) and Notre Dame College School (Welland 1947) which soon joined ranks with much older Catholic schools founded in the nineteenth century.

The foremost champion of the Catholic day high school was James Cardinal McGuigan, Archbishop of Toronto. In 1944 McGuigan launched a personal campaign to raise $1,000,000 for Catholic secondary schools within his diocese. "This is no mere collection of funds," he announced. "It is a crusade in Catholic co-operation for our beloved youth." The new schools would be staffed "by the finest teachers" and would be "Catholic to the fibre of their hearts."[19] McGuigan's own enthusiasm and zeal guaranteed that the objective would be achieved. By the late 1940s the money was in place and the planning underway to meet the challenge of post-war Catholic immigration into Metropolitan Toronto.

Other factors assisted the spread of Catholic high schools into less urbanized regions of the province during the 1970s. First came the creation of county-sized boards of education. Now separate schools systems throughout Ontario had larger attendance areas and population bases upon which to construct Grades 9 and 10 classes that eventually fed into private Grades 11-13. Second, came the response to Premier William Davis' 1971 decision not to extend public funding to Catholic schools beyond Grade 10. Initial Catholic disappointment was soon channelled into positive directions. Indeed, it proved an important spur to increase fund-raising efforts in the private sector. In Dufferin-Peel, for example, the number of Catholic high schools increased from zero to nine in a ten-year period.

By the early 1970s, Jewish schools had joined Catholic schools as important players on Ontario's private school stage. The first Jewish venture into full-time alternative education had been the Associated Hebrew Day School (Toronto 1942), where the regular Ontario curriculum was supplemented with studies in Judaic religion and culture, and with Hebrew as a living language. By 1983-84 enrolment had climbed to 2,885, making it the largest Jewish day school in the world. Jewish schools increased rapidly throughout Ontario in the 1960s and 1970s to accommodate Orthodox, Conservative and Reform diversity within the community. By September 1983 there were ten Jewish elementary schools and four secondary schools within Metropolitan Toronto, plus schools in Ottawa, Hamilton, London and Windsor for a total provincial enrolment of 7,599.

The Jewish move into the private sector was not a protest against the pedagogic quality of the public schools, but rather a move against the perceived submergence of Jewish identity into a process of homogenization that Ontario's post-war schools seemed to represent. The public school system offered few opportunities for transmitting a linguistic and cultural heritage so important to this minority. It did not "provide to them the ambit and scope of the education which they as parents deem necessary for the beneficial development of their children."[20] Driven by a desire to rebuild a new Jewish world out of the ashes of the Holocaust, replenished by successive waves of Jewish immigration, and assisted by funds raised through the United Jewish Appeal, Ontario's Jewish communities were able to translate their protests into positive action.

While the Jewish population rejected the Christian hue of the public schools, and Catholics revolted against a perceived Protestant bias, more fundamentalist Christian groups charged that the public school system had become too secular. They wanted schooling for their children firmly grounded in evangelical and fundamentalist Christian values. Prominent among this segment of the population were the Christian Reformed or Dutch Reformed immigrants who began arriving from the Netherlands in substantial numbers in the late 1940s and 1950s. Almost immediately their schools began appearing on the provincial scene: Eden Christian College (Niagara-on-the-Lake 1945), Jarvis District Christian School (1952). Here was an immigrant group whose communities and schools were not confined to major urban centres. By 1983 the Ontario Alliance of Christian Schools enrolled 9,383 pupils, placing this group ahead of the Jews and behind the Catholics as the second largest component within the private school sector.

Inspired by the success of the Christian Alliance Schools, and driven by many of the same religious and family beliefs, other fundamentalist and evangelical Christian groups increased their private school involvement. The Seventh Day Adventist Church (Simcoe SDA School 1965), the Pentacostal Assembly, and some Baptist congregations established their own private schools. Some were church-initiated, others parent-initiated; many were linked with similar denominationally-based educational movements in the United States; all were premised on the belief that a Christian atmosphere should permeate all aspects of schooling. Such schools included a large proportion of the 8,700 pupils counted by the Ministry of Education as enrolled in "schools of other religious denominations" in September 1983.

The Old Order or Amish Mennonites also became active in the private school sector, as school consolidation swept through rural Ontario in the 1960s and 1970s. The Amish had throughout their history given high priority to passing on their cultural heritage through strong family bonds. As long as their children could attend small, community-influenced schools close to home, the Amish were willing to accept public schooling. But as soon as rural school consolidation brought busing of children out of the local community to larger, "mixed" schools, the Old Order Mennonites went private (Amish Parochial School #1, Millbank 1966). The local Amish groups often bought or rented the former one-room country schoolhouses that boards of education had declared redundant. By September 1983, some 2,612 children were enrolled in Mennonite private schools in Ontario.

In addition to the increased number of religious schools, the private school sector in post-1960 Ontario education also witnessed a rapid rise of schools founded for non-religious, purely educational or philosophic reasons. Ministry of Education figures indicated 18,545 pupils in these "non-sectarian" private schools by September 1983, some 22 per cent of the provincial private school total. Such schools began to proliferate in the mid-to-late-1960s, often as radical alternatives to the perceived inflexible, all-too-structured nature of the public school. In time the more radical or "free" schools moderated or died, and were replaced by more middle-of-the-road and eventually right-wing alternatives. Their growth challenged the public school sector to confront the concept of secular or philosophic pluralism in addition to religious and cultural pluralism.

In September 1966, on a farm near Hillsburgh in the Caledon Hills, seventeen teenagers enrolled as the first students at Everdale Place, one of the earliest and most famous of the "free schools" that dotted the North American educational landscape in the late 1960s and early 1970s. As a product of the counter-culture of the period, Everdale prospered only as long as that alternative culture flowered. Yet it had more than a transitory impact on education and society. It spawned North America's foremost radical educational journal, *This Magazine is About Schools*, which survived as *This Magazine*, an important radical voice in Canadian journalism. Everdale also inspired other free schools to begin in Ontario — Superschool (Toronto 1968) and Odyssey House Community School (St. Catharines 1970). Finally, aspects of Everdale's radical philosophy can be found in *Living and Learning*, the 1969 free-wheeling report of the Hall-Dennis Committee that continued to influence the public schools through the next decade.[21]

Less radical than Everdale, but as innovative in their own ways, were dozens of additional new "non-sectarian" private schools — especially in the Metropolitan Toronto region. The decade of the 1960s, for example, gave birth to the Toronto Montessori School, Toronto Waldorf School, January (later Montcrest) School, and the Toronto French School. Montessori and Waldorf both belonged to international networks of private schools based on the educational philosophies of Maria Montessori and Rudolph Steiner, respectively. The January School was begun by parents who found that their children, with January birthdays, would have to wait until nearly seven years of age before learning how to read. The Toronto French School appealed to families who wished their children educated in a bilingual environment, at a time prior to French immersion classes in the public system.

*Saturday Night* magazine caught the spirit of the decade by headlining a May 1965 private school story: "If You Don't Like Your Child's School, Why Not Start Your Own?" It was soon evident that a whole new range of private schools had come into being — specializing in everything from religious education to language instruction to choral music to schools that emphasized roughing it out-of-doors. Diversity accelerated throughout the following decade of the 1970s. At Robert Land Academy in Wellandport, for example, students endured the strictest discipline in a quasi-militaristic environment, while at the Toronto French School students closely followed both France's baccalaureat program and the English "A" level stream.

At the same time the more traditionalist wing within the private school movement was also thriving. Here, too, new schools appeared on the Ontario scene with increasing frequency — St. George's College (Toronto 1960), Rosseau

Lake School (Rosseau 1967), the Country Day School (King City 1972). The traditional schools retained a certain popularity through their age-old emphasis on small classes and dedicated teachers, plus the implied social advantages of children rubbing shoulders with others from privileged backgrounds. They, too, were adapting to a new generation of pupils and parents. In Hamilton, for example, the former boys-only Hillfield College and the girls-only Strathallan School amalgamated into a single co-educational entity. Curriculum innovation proceeded apace: Ashbury College with its International Baccalaureate program, Appleby College with its emphasis on environmental studies.

Given the diverse nature of both the new and the old private schools, it proved impossible to unite all of them under any one organization. The old-line schools had long had their national organizations, split along boys' school and girls' school lines, which finally united in 1979 as the Canadian Association of Independent Schools. The Roman Catholic, Jewish, Christian Alliance, Seventh Day Adventist and Mennonite schools each had its own set of religious, educational and political priorities, and each developed its own formal or informal provincial co-ordinating groups.

By 1974, however, there was enough interest from some of the private schools to form the Ontario Alliance (later Association) of Alternative and Independent Schools. Throughout its first ten years of existence the OAAIS never enrolled the majority of private schools in its ranks. Yet by acting as a political lobby group it performed an important role in presenting a case for private schools and private school financing to the politicians and the electorate of Ontario.

# V. CONCLUSION: SCHOOLS OF ONTARIO

Changing attitudes within the provincial education ministry provide part of the explanation for such rapid post-1960 growth in private schooling. Prior to the 1960s, the old Ontario Department of Education was noted for its commitment to conservatism and its extremely cautious approach to change and innovation. During that decade, however, the department underwent a radical transformation. Where new ideas had once seemed threatening, now they were welcomed.[22] Greater toleration for experimentation and diversity within the public school system implied a greater range of choice in the private sector. By the end of the 1960s, private school founders and promoters found it relatively easy to obtain departmental approval for their educational plans, whatever those plans might include. "There is probably no place in the world," declared the *Free School Handbook* in 1972, "where the government provides fewer obstacles to the legal establishment of privately run schools than in Ontario."[23]

Post-war immigration is another general factor in explaining the increase in private school enrolment. Some immigrant groups came from countries — Britain, Hong Kong, parts of the West Indies, for example — where traditionally the private school had been upheld as vastly superior to the low-status public school system. Other immigrant groups — members of the Dutch Reformed Church or the Jewish religion — saw their own private schools as essential in preserving particular religious and cultural values in the midst of a multicultural North American milieu. Finally, a third group of immigrants — teenagers from Hong Kong and Taiwan, for example — utilized private schools in a very pragmatic way; they flocked to the so-called "Visa" schools where English immersion classes helped prepare them for high school graduation and university entrance.

But government attitudes and immigration together cannot explain the attraction of private schools to an increasing percentage of the province's population. According to Robert Routledge, president of the OAAIS in 1976, "the overriding concern of all parents who want their children to be privately educated seems to be the belief that the public education system lacks some kind of fundamental moral content."[24] This moral content or commitment meant different things to different groups. Patrons of the more traditional nineteenth century boarding schools could define it as a leadership ethos. For Catholics it was a faith commitment; for supporters of Jewish schools a total commitment to the Judaic cultural heritage. Everdale Place offered a radical critique of capitalist society, whereas the more structured private schools, in the words of one principal, offered "a return to the basic firmer discipline and the setting of moral values" during a time of neo-conservatism.[25]

In the final analysis, two forces had combined to produce this private school explosion. First, multiculturalism. The increasing ethnic and religious diversity of Ontario's post-war population was no longer content and comfortable within the confines of a public school system that was seen as serving the cultural needs of only the traditional WASP mainstream. The valiant efforts of the public schools to incorporate multicultural diversity within curriculum offerings and classroom practices were rejected as insubstantial by those ethnic and religious groups whose cultural cohesion gave them the strength to seek educational solutions outside the public school mainstream.

The Jewish schools, for example, saw themselves as important players within a larger society whose government seemed to be increasingly recognizing Ontario as a multi-religious, multiethnic province. At the end of the 1960s the Ontario Committee for Government Aid to Jewish Day Schools called on the government to "ensure and encourage the development of the varied colour and fabric which constitutes the inhabitants of our Province" by providing financial assistance.[26] When provincial aid proved not forthcoming, the Jewish schools in North York proposed that they become alternative schools within the local public school system. In such an arrangement the state would finance the regular curriculum, with private funding for the special Judaic studies programs. Again, the public response was negative. But the Jewish efforts had raised a fundamental question: How could the delicate balance between cultural retention and cultural assimilation best be maintained — through public schools or private schools?

While the Jewish schools challenged public authorities to define the limits of multiculturalism, the Christian Alliance schools challenged the very definition of private schools. Though firmly rooted in the Calvinist tradition, and drawing clientele largely from Reformed backgrounds, the Alliance schools argued that they were public, not private, in that they were open to all children. Thus in a 1970 position paper, "A Place to Stand: A Case for Public Funds for *All* Public Schools," they presented their case for provincial grants and a share of local school taxes. Democracy, pluralism, freedom of choice, parental rights, the importance of competition — all were invoked to gain public support.[27] But Premier William Davis' 1971 answer to the Christian Alliance schools was the same as his response that year to Catholic high schools and Jewish schools: No.

If cultural pluralism was one underlying force that produced the private school explosion, then secular pluralism was the second basic factor. A wave of secular pluralism had swept through Ontario society, producing a philosophic or ideological diversity that was at least partially responsible for sending 18,545 students to non-sectarian private schools by 1983. Again, despite imaginative diversification within the public school sector, growing numbers of parents sought alternatives in private schools that offered different philosophical or pedagogical approaches. Unlike the church groups, their motives were not religious; unlike the clientele of more traditional private schools, they were not seeking social exclusivity. They had educational goals for their children that seemed realizable only in the new configuration of non-sectarian private schools.

Whatever the motives in their founding, whatever influences they had on public education, Ontario's private schools had assumed a significance in the early 1980s that could not have been predicted a generation earlier. Their religious diversity reflected the multicultural nature of the province; their philosophic diversity mirrored Ontario's secular pluralism. Proponents of public education had long hoped to accommodate such diversity within the state-supported school system. But an increasing minority of students and parents had chosen the private sector. By this time the private schools of Ontario could no longer be classified exclusively as schools of necessity, or schools of privilege, or schools of protest. Like their public school counterparts, they had become schools of diversity. Like their public school counterparts, they had become schools of Ontario.

# FOOTNOTES

1. J. Donald Wilson, *et al.*, eds., *Canadian Education: A History* (Scarborough: Prentice Hall, 1970), p. 199.

2. *Ibid.*, p. 193.

3. Carolyn Gossage, *A Question of Privilege: Canada's Independent Schools* (Toronto: Peter Martin, 1977), p. 41.

4. *Ibid.*; and Charles Phillips, *The Development of Education in Canada* (Toronto: W.J. Gage, 1957), p. 110.

5. R.D. Gidney, "Elementary Education in Upper Canada: A Reassessment," *Ontario History*, LXV (3), September 1973, p. 171.

6. *Ibid.*, pp. 172-4.

7. *Ibid.*, p. 174; and Christopher John Podmore, "Private Schooling in English Canada," (McMaster University, unpublished Ph.D. thesis, 1965), pp. 195-6.

8. Gidney, "Elementary Education in Upper Canada", p. 184.

9. J.D. Purdy, "The English Public School Tradition in Nineteenth Century Ontario", in F.H. Armstrong, *et al*, eds., *Aspects of Nineteenth Century Ontario* (Toronto: University of Toronto Press, 1974), p. 239.

10. Phillips, *Development of Education in Canada*, p. 377.

11. Robert M. Stamp, *The Schools of Ontario 1876-1976* (Toronto: University of Toronto Press, 1982), p. 41; and Gossage, *A Question of Privilege*, p. 43.

12. G. Dickson and G.M. Adams, eds., *A History of Upper Canada College, 1829-1892* (Toronto: Rowsell and Hutchison, 1893), p. 156.

13. Stamp, *The Schools of Ontario*, p. 42.

14. Purdy, "The English Public School Tradition", pp. 248-9.

15. Gossage, *A Question of Privilege*, p. 277.

16. A.G.A. Stephen, ed., *Private Schools in Canada* (Toronto: Clarke, Irwin, 1938), pp. 56-7.

17. Stamp, *The Schools of Ontario*, pp. 164-77.

18. John Porter, *The Vertical Mosaic: An Analysis of Social Class and Power in Canada* (Toronto: University of Toronto Press, 1965), pp. 284-5.

19. Claude Laing Fisher, *James Cardinal McGuigan, Archbishop of Toronto* (Toronto: McClelland & Stewart, 1948), p. 47.

20. Hugh A. Stevenson, *et al.*, eds., *The Best of Times/The Worst of Times: Contemporary Issues in Canadian Education* (Toronto: Holt, Rinehart and Winston, 1972), p. 200.

21. Ontario Department of Education, *Living and Learning: The Report of the Provincial Committee on Aims and Objectives in the Schools of Ontario* (Toronto: 1968), pp. 49, 54, 67, 96, 147, 169, 180-1.

22. Stamp, *The Schools of Ontario*, pp. 203-24.

23. *Free School Handbook* (Toronto: Mother School, n.d., c1972), unpaginated.

24. Anthony Whittingham, "Blazer Power Lives On — With a Little Less Starch," *Financial Post*, October 16, 1976, p. 15.

25. Diane Francis, "A Discredit Course in Public Education", *Maclean's*, November 13, 1978, p. T5.

26. Stevenson, *The Best of Times*, pp. 201-2.

27. *Ibid.*, pp. 203-9.

# BIBLIOGRAPHY

Fleming, W.G. *Ontario's Educative Society. III: Schools, Pupils, and Teachers.* Toronto: University of Toronto Press, 1971.

Gidney, R.D. "Elementary Education in Upper Canada: A Reassessment", *Ontario History,* LXV (3), September 1973, 169-85.

Giles, Harry. "The Independent Schools," in Hugh Oliver, *et al,* eds., *The House that Ryerson Built: Essays in Education to Mark Ontario's Bicentennial.* Toronto: OISE Press, 1984, pp. 65-83.

Gossage, Carolyn. *A Question of Privilege: Canada's Independent Schools.* Toronto: Peter Martin Associates, 1977.

Ontario. *Report of the Royal Commission on Education in Ontario, 1950.* Toronto: 1950.

Phillips, Charles. *The Development of Education in Canada.* Toronto: W.J. Gage, 1957.

Podmore, Christopher John. "Private Schooling in English Canada." McMaster University: Unpublished Ph.D. thesis, 1976.

Porter, John. *The Vertical Mosaic: An Analysis of Social Class and Power in Canada.* Toronto: University of Toronto Press, 1965.

Prentice, Alison. *The School Promoters: Education and Social Class in Mid-Nineteenth Century Upper Canada.* Toronto: McClelland and Stewart, 1977.

Purdy, J.D. "The English Public School Tradition in Nineteenth-Century Ontario", in F.H. Armstrong, *et al,* eds., *Aspects of Nineteenth-Century Ontario.* Toronto: University of Toronto Press, 1974, pp. 237-52.

Stamp, Robert M. *The Schools of Ontario 1876-1976.* Toronto: University of Toronto Press, 1982.

Stephen, A.G.A., ed. *Private Schools in Canada.* Toronto: Clarke, Irwin, 1938.

Stevenson, Hugh A., *et al.,* eds. *The Best of Times/The Worst of Times: Contemporary Issues in Canadian Education.* Toronto: Holt, Rinehart and Winston, 1972.

Wilson, J. Donald, *et al., Canadian Education: A History.* Scarborough: Prentice-Hall, 1970.

**Appendix H**

# COMMISSION ON PRIVATE SCHOOLS: ONTARIO PRIVATE SCHOOLS VISITED

**School** **Date of Visit**

September 26, 1984

**Durham Christian High School**
R.R. #1
Bowmanville, Ontario
L1C 3K2

Mr. R. Siebenga, Principal

October 1, 1984

**Friendship Baptist Church**
Box 177
Pickle Lake, Ontario
P0V 3A0

Reverend R. Uren, Principal

October 1, 1984

**Brampton Montessori & Day School**
Box 553
Brampton, Ontario
L6V 2L6

Mr. and Mrs. A. Shine

October 2, 1984

**Wahbon Bay Academy/Cristal Lake School**
Box 28
Pickle Lake, Ontario
P0V 3A0

Mr. W. Sommers, Program Coordinator

October 8, 1984

**Scarborough Christian School**
4600 Steeles Avenue
Toronto, Ontario

Mr. K. Davies, Principal

October 9, 1984

**Scollard Hall**
1000 High Street
North Bay, Ontario
P1B 6S6

Mr. D. Houle, Principal

October 15, 1984

**Barrington Junior Academy**
30 Drury Street
North York, Ontario

Mrs. M. Van Loon/Mrs. V. Planche, Principals

October 24, 1984

**John Calvin School of Smithville**
Box 56
Station Street
Smithville, Ontario
L0R 2A0

Mr. P. Torenvliet, Principal

**School** **Date of Visit**

October 24, 1984

**Robert Land Military Academy**
R.R. #3
Wellandport, Ontario
L0R 2J0

Mr. S. Bowman, Principal

October 25, 1984

**Toronto Waldorf School**
9100 Bathurst Street
Thornhill, Ontario

Mr. N. Wit, Principal

November 1, 1984

**Ashbury College**
362 Mariposa Avenue
Ottawa, Ontario
K1M 0T3

Mr. T. Macoun, Principal

November 5, 1984

**Paul Dwyer High School**
700 Stevenson Road North
Oshawa, Ontario
L1J 5P5

Sister Anne, Principal

November 5, 1984

**Immanuel Christian School**
849 Rossland Road
Oshawa, Ontario
L1H 7K4

Mr. Van Manten, Principal

November 6, 1984

**Trafalgar Castle**
401 Reynolds Street
Whitby, Ontario
L1N 3W9

Mr. C. Kamcke, Principal

November 6, 1984

**Durham Community School**
R.R. #1
Brooklin, Ontario
L0B 1C0

Ms. A. Myers, Principal

November 6, 1984

**Kingsway College**
1156 King Street
Box 605
Oshawa, Ontario
L1H 7M6

Mr. R. Janes, Principal

**School** **Date of Visit**

November 8, 1984

**Bishop Strachan School**
289 Lonsdale Road
Toronto, Ontario
M4V 1X2

Reverend Tottenham, Principal

November 15, 1984

**London Christian Academy**
328 Springbank Drive
London, Ontario
N6J 1G5

Mr. P. Conley, Principal

November 15, 1984

**Banyan Tree School**
Box 100
Glanworth, Ontario
N0L 1L0

Mrs. B. Mercer, Principal

November 15, 1984

**Regina Mundi School**
R.R. #4
Wellington Road South
London, Ontario
N6A 4B8

Mr. B. Rooney, Principal

November 16, 1984

**Four Corners Amish Mennonite School**
R.R. #4
Aylmer, Ontario
N5H 2R3

Mrs. N. Stoll, Teacher

November 16, 1984

**Alma College**
96 Moore Street
St. Thomas, Ontario
N5R 5B6

Miss B. Bone, Principal

November 19, 1984

**Danforth College**
2057 Danforth Avenue
Toronto, Ontario
M4C 1J8

Mr. S. Wu, Principal

November 19, 1984

**Toronto French School**
306 Lawrence Avenue East
Toronto, Ontario
M4N 1T7

Mr. H. Giles, Principal

**School** **Date of Visit**

November 19, 1984

**Cardinal Newman High School**
2675 Kingston Road
Scarborough, Ontario
M1M 1M3

Mr. D. King, Principal

November 20, 1984

**Great Lakes College**
323 Keele Street
Toronto, Ontario
M6P 2K6

Mr. W. Watt, Principal

November 28, 1984

**Thunder Bay Christian School**
R.R. #2
Thunder Bay, Ontario
P7C 4V1

Mr. J. Tamming, Principal

December 3, 1984

**Life Christian Academy**
1826 Woodward Drive
Ottawa, Ontario
K2C 3M1

Reverend J. Scheel, Principal

December 3, 1984

**Ecole Maimonides**
1765 Courtwood Crescent
Ottawa, Ontario
K2C 3J2

Rabbi M. Berger, Principal

December 3, 1984

**Ottawa Teaching and Learning Center**
900 Merivale Road
Ottawa, Ontario
K1Z 5Z8

Ms. Dutton, Principal

December 3, 1984

**Venta Preparatory School**
R.R. #3
Carp, Ontario
K0A 1L0

Dr. A. Sidlauskas, Principal

December 3, 1984

**Redeemer Christian High School**
900 Merivale Road
Ottawa, Ontario
K1Z 5Z8

Mr. D. Maggs, Principal

| School | Date of Visit |
|---|---|
| **Killaloe Alternative School**<br>Box 217<br>Killaloe, Ontario<br>K1J 2A0<br>Ms. S. Gulland, Principal | December 4, 1984 |
| **The Community School Echo Farm**<br>R.R. #1<br>Wilno, Ontario<br>K0J 2N0<br>Ms. P. McCaffrey, Principal | December 4, 1984 |
| **Associated Hebrew Schools of Toronto**<br>252 Finch Avenue West<br>Willowdale, Ontario<br>M2R 1M9<br>Mr. J. Rosenfield, Principal | December 10, 1984 |
| **Toronto High School for Performing Arts**<br>209 Adelaide Street East<br>Toronto, Ontario<br>M5A 1M8<br>Mr. K. Livingstone, Principal | December 10, 1984 |
| **Sheila Morrison School**<br>R.R. #2<br>Utopia, Ontario<br>L0M 1T0<br>Ms. S. Morrison, Principal | January 17, 1985 |
| **Sidney Ledson School Ltd.**<br>33 Overland Drive<br>Don Mills, Ontario<br>M3C 2C3<br>Ms. Nancy Lockwood, Administrator | January 17, 1985 |

### Appendix I

# COMMISSION ON PRIVATE SCHOOLS: CALL FOR BRIEFS

## THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO REQUESTS SUBMISSIONS

Dr. Bernard Shapiro, the Commissioner inquiring into the role of private schools in the education of children in Ontario has been given the responsibility to:

- document and comment on the contribution of private schools to elementary and secondary education in Ontario;
- identify possible alternative forms of governance for private schools and to make recommendations for changes deemed to be appropriate;
- assess whether public funding, and its attendant obligations, would be desirable and could be compatible with the nature of their independence;
- identify and comment upon existing and possible relationships between private schools and publicly-supported school boards.

No general public hearings are planned. Interested individuals or parties who have information and/or wish to comment on any or all of these issues are however, asked to submit briefs to the Commissioner by December 31, 1984. Typed submissions should be sent to:

Neal T. Emery
Executive Secretary
The Commission on
Private Schools in Ontario
Suite 4-299
252 Bloor Street West
Toronto, Ontario
M5S 1V5

Those planning to submit briefs should notify the Commission by October 31, 1984 at the above address, or by phoning (416) 965-7044. All briefs submitted will be considered public information.

### PAPERS IN WHICH ADVERTISEMENT APPEARED

Barrie Examiner
Belleville Intelligencer
Brampton Daily Times
Brantford Expositor
Brockville Recorder & Times
Cambridge Daily Reporter
Chatham Daily News
Cobourg Daily Star
Cornwall Standard Freeholder
Ethnic Press
Fort Frances Daily Bulletin
Guelph Mercury
Hamilton Spectator
Kenora Miner and News Ltd.
Kingston Whig Standard
Kirkland Lake Northern Daily News
Kitchener Waterloo Record
Le Courier d'Oshawa
Lindsay Daily Post
London Free Press
Niagara Falls Review
North Bay Nugget
Ontario English & French Weeklies
Orillia Packet Times
Oshawa Times
Ottawa Citizen
Ottawa Le Droit
Ottawa Opscom
Owen Sound Sun Times
Pembroke Observer
Peterborough Examiner
Port Hope Guide
Sarnia Observer
Sault Ste. Marie Star
Simcoe Reformer
Sioux Lookout Bulletin
St. Catharines Standard
St. Thomas Times Journal
Stratford Beacon Herald
Thunder Bay Chronicle Journal/Times News
Timmins Press
Toronto Globe & Mail
Toronto L'Express
Toronto Star
Toronto Sun
Welland Port Colborne Tribune
Windsor Star
Woodstock Sentinel Review

## Appendix J

# COMMISSION ON PRIVATE SCHOOLS: INFORMAL CONSULTATIONS

## ONTARIO

**HAMILTON** February 20, 1985

MEDIA:
M. Wolpert, C. Cox
REGIONAL GOVERNMENT:
A. Jones
SOCIAL SCIENCES – MCMASTER UNIVERSITY:
M. Freedman
TEACHERS' FEDERATIONS:
D. Watson, O.S.S.T.F.; A. Mutart, F.W.T.A.O.;
C. Taylor, O.P.S.T.F.; D. Shea,
J. Irvine, O.E.C.T.A.; J.L. Bernard, A.E.F.O.
YOUTH:
M. Parry, G. Tooke, T. Capuccinello,
M. Van Broekhoven, J. Pusztay, K. Bradshaw,
L. Kiss

**KINGSTON** March 21, 1985

COMSOC:
D. Sewell, M. Sutherland, D. Bent, A. Harper,
E. Nelson
QUEEN'S UNIVERSITY:
M. Maxwell
HOME SCHOOLING:
B. Gresik
SMALL BUSINESS:
A. Boivert, T. Ault, G. Eskerod
STUDENTS:
C. Foster, R. Howes, G. Lapin, E. Santos,
R. Anderson, S. Murphy, A. Prazmowski
TRADE UNION REPRESENTATIVES:
F. Belanger, T. Houston, P. How

**KITCHENER** March 28, 1985

BUSINESS AND INDUSTRY:
D. Graham
CLERGY:
F. Morgan, G. MacDonald, H. Janke, F. Scinto
COLLEGES AND UNIVERSITIES:
D. Cowan, R. Dunkley, P. Merikle, A. Hagar,
L. Woolstencroft
ELECTED OFFICIALS:
M. Carroll, C. Miller
SENIOR CITIZENS:
F. Whitmore

**LONDON** January 15, 1985

CHAMBER OF COMMERCE:
M. Hardig, P. Steers, P. Weinstein, D. Lefebvre,
W. Teissen, G. Robertson, B. Tobin, K. Dubitsky
FREEDOM PARTY OF ONTARIO
R. Metz
HOME & SCHOOL
V. Kellie, J. Bennet, R. Thom, J. Muisley
MEDIA:
D. Gibb, London Free Press;
W. Young, CFPL Television
PARENTS:
H. Haan, M. Rowe, B. Smith, S. Webster,
B. Antone
TEACHERS' FEDERATIONS:
F. Polec, A.E.F.O.; S. Parkin, L.W.T.A.
YOUTH:
M. Vanderlaan, D. Weil, J. Turnbull, R. Smouter

**NORTH BAY** February 7, 1985

SOCIAL SERVICES ORGANIZATIONS:
B. Batise, W. Craig, C. Armstrong, Z. Dunn,
H. King, E. Wallace
STUDENTS:
H. Marson, A. Shisko, P. Hanley

**OTTAWA** October 31, 1984

HEALTH RELATED PROFESSIONALS:
N. Barwin, G. Johnson, W. Keon, M. Taylor,
E. Finch, R. Dungy
MEMBERS OF PARLIAMENT:
W. Romkey, H. McCurdy, M. Cassidy,
R. Stackhouse
SCHOOL BOARD CHAIRPERSONS:
E. Campbell, R. Lefebvre, R. Belanger,
L. Dagenais, D. Meikle, B. Hinsperger

November 1, 1984

BOARD OF TRADE:
W. Hoddinott, B. Hillary, E.A. Barron,
T. Whitehead, W. Gowling, W. Burnside
EDUCATION RELATED BUSINESSES:
P. Wallbridge, E. Davies, J. Anderson, W. Purdy,
C. Stotz, M. Jones
PRINCIPAL:
A. Wotherspoon
SMALL BUSINESS REPRESENTATIVES:
R. Chartrand, M. MacGregor, M. Church,
T. Graham
UNION REPRESENTATIVES:
B. Craig, J. Boulerice, T. Moffatt, A. Gauthier

February 21, 1985

INDIVIDUAL:
A. Kalil

**ST. CATHARINES** April 17, 1985

FACULTY OF EDUCATION – BROCK UNIVERSITY:
V. Cicci, S. Wilson, W. MacDonald, A. Bennett
HOME AND SCHOOL:
A. Nixon, D. Gamble, P. Sheehan, C. Jackowitz,
J. Northover, L. Butler, F. Ciebien, L. Rowley
REGIONAL GOVERNMENT:
E. Lancaster
SMALL BUSINESS:
D. Clark, H. Vaughan
TRUSTEES:
J. Peters, R. Marion, J. Clarkson, J. Buis,
R. Rempel, R. Rippey, K. Donevan

**SUDBURY** February 6, 1985

BUSINESS AND INDUSTRY:
T. Newburn, D. Shantz
FACULTY OF EDUCATION – LAURENTIAN UNIVERSITY:
J. Seguin
MINISTRY OF EDUCATION:
W. Boivin
TRUSTEES:
L. Beauchamp, E. Checkeris, A. Lacroix, F. Benish

**THUNDER BAY** November 30, 1984

ACTION COMMITTEE ON THE QUALITY OF EDUCATION:
E. Dodds, R. Leclair, M. Jowett, C. Sullivan, M. Silver
CHAMBER OF COMMERCE:
M. Carter
COUNCIL OF CLERGY:
D. Smith, R. Fluit, A. Leggwater, P. Stilla, B. Carter
DIRECTOR OF EDUCATION:
A. Gillies
FACULTY OF EDUCATION – LAKEHEAD UNIVERSITY:
R. McLeod, D. Thom, L. Korteweg
HOME AND SCHOOL COUNCIL:
H. Kurki, L. Hotson

**TORONTO** October 9, 1984

DEAN OF EDUCATION – VICTORIA COLLEGE, MELBOURNE, AUSTRALIA:
A. Tretheway

November 10, 1984
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION – NORTH YORK DISTRICT EXECUTIVE:
L. Barkley, S. Borowski, F. Saliani, R. Kubisz, C. Llewellyn, A. Cummings

November 12, 1984
EDUCATION MEDIA AND PRODUCERS DISTRIBUTORS ASSOCIATION OF CANADA:
S. Grant, L. Modolo, A. Owen
ONTARIO FEDERATION OF HOME AND SCHOOL ASSOCIATIONS:
E. Jenson, J. Purvis, M. Toomey, B. Brodie

November 22, 1984
TORONTO ALLIANCE FOR CHILDREN:
E. Burrows, A. Dupre

November 27, 1984
REPRESENTATIVES OF NDP:
R. Allen, D. Agnew

December 13, 1984
ASSOCIATION OF CANADIAN PUBLISHERS:
B. Read, P. Yaffe, J. Irwin
METROPOLITAN SEPARATE SCHOOL BOARD:
A. Barone, B. Farley, P. Howarth, N. Forma, T. Williams, P. Park
ONTARIO PUBLIC SERVICES EMPLOYEES' UNION:
S. Usher, C. Shenk, M. Rolls
ONTARIO TEACHERS' FEDERATION:
W. Jones, J. Schryburt, V. Slobodian, J. Wescott, M. Wilson

December 14, 1984
ASSOCIATION OF LARGE SCHOOL BOARDS IN ONTARIO:
L. Flaherty, L. Woolstencroft, M. Waese, F. Endicott, D. Frances, R. Thompson
BOOK PUBLISHERS COUNCIL:
J. Hushion, S. Lee

January 3, 1985
BOARD OF TRADE:
E. Pinder, B. Steinhauer, K. Winter, J. Neville, D. Milgrim

January 4, 1985
BOARD OF EDUCATION FOR THE CITY OF TORONTO:
E. McKeown

January 24, 1985
COMMUNITY AND SOCIAL SERVICES:
C. Ashmore, D. Snedden
CONFERENCE OF INDEPENDENT SCHOOLS:
P. Harris, N. Pinnington, J. Tansey, A. Troubetzkoy, G. Wilson, C. Beer, D. Cameron, T. Macoun, J. Stevenson, A. Tottenham, B. Wansbrough, T. Symons, A. Scott

February 25, 1985
HEALTH SERVICES:
F. Perkins

February 26, 1985
ONTARIO FEDERATION OF LABOUR:
R. Hainsworth

March 26, 1985
TORONTO STAR EDITORIAL BOARD:
G. Radwonski, C. Warden, G. Barthos

April 9, 1985
WOMEN IN EDUCATIONAL ADMINISTRATION IN ONTARIO:
P. Kincaid, B. Williams, A. Roach
CONSORTIUM ON ONTARIO PUBLIC ALTERNATIVE SCHOOLS:
E. Bergey, E. Gurka, S. Tracy, B. Duncan

June 1 7, 1985

REPRESENTATIVES OF LIBERALS:
S. Conway, C. Beckman, T. Murphy

YORK UNIVERSITY: June 18, 1985
H. Arthurs, President

July 19, 1985

CONSERVATIVE SOCIAL DEVELOPMENT COMMITTEE
D. Timbrell, L. Gurndon, W. Davis

INDIVIDUALS:
S. Gold, D. Shuttleworth, L. Garnsworthy, G. Briggs, G. Waldrum, D. Morton, P. Moss, J. Dobell, P. Atherton, T. Jordan, R. Garber, N. Finkelstein, L. Perras, B. McCaffrey, C. Beck, L. Schipper, T. Voors, J. Ricker, K. Crossley, J.S. Major

MINISTRY OF EDUCATION:
C. Hodder, S. McPhee, J. Rapai, J. Rogers, J. Berryman, K. Johnston, P. Wiseman, D. Green, W. Mitchell, W. Kirkwood, A. Cunningham, R. Hunter, F. Poleschuk, J.F. Clifford

**WINDSOR** February 28, 1985

COMMUNITY AND SOCIAL SERVICES:
B. Blonde

MUNICIPAL GOVERNMENT:
T. Toth

STUDENTS:
B. Duran, R. Shaban, J. Zuk, D. D'Andrea, P. Howe, S. Leslie, A. Bart, B. Reeves, A. Keene, M. Kucharski, K. Regeahr, P. Enns

* * *

**Note: At each location in Ontario additional representatives and/or organizations were invited to meet with the Commissioner but were unable to attend.**

* * *

**ALBERTA** March 12 — 13, 1985

EDMONTON

ALBERTA EDUCATION:
R. Marrinier, B. Fennell, S. Smith, G. Bevan, P. Baker, D. Gagnon

FACULTY OF EDUCATION — UNIVERSITY OF ALBERTA:
J. Bergen

PRESIDENT — UNIVERSITY OF ALBERTA:
M. Horowitz

**BRITISH COLUMBIA** February 11, 1985

**VANCOUVER**

FACULTY OF EDUCATION — SIMON FRASER UNIVERSITY:
M. Manley-Casimer

FACULTY OF EDUCATION — UNIVERSITY OF BRITISH COLUMBIA
T. Rogers

FEDERATION OF INDEPENDENT SCHOOL ASSOCIATIONS:
G. Ensing

MINISTRY OF EDUCATION:
L. Bullen, G. Wall

**MANITOBA** May 20 — 22, 1985

**WINNIPEG**

DEPUTY MINISTER OF EDUCATION:
R. Duhamel

PRESIDENT — UNIVERSITY OF WINNIPEG:
R. Farquhar

**SASKATCHEWAN** October 2, 1984

**SASKATOON**

DEPARTMENT OF ECONOMICS:
C. Gerrard

SUPERINTENDENT OF EDUCATION:
R. Allison

## Appendix K

# COMMISSION ON PRIVATE SCHOOLS: BRIEFS SUBMITTED

## LIST OF SUBMISSIONS FROM CORPORATE AND PERSONAL AUTHORS TO THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO – ARRANGED BY BRIEF NUMBER

BRIEFS MAY BE ACCESSED THROUGH ONTERIS EITHER BY BRIEF NUMBER OR AUTHOR'S NAME.

| | |
|---|---|
| PR00001 | Abshez, Charles<br>Toronto |
| PR00002 | Breems, M.<br>Newmarket |
| PR00003 | Deussing, Mireille<br>Gloucester |
| PR00004 | Donohue, Rosemary<br>Renfrew |
| PR00005 | Elliott, Doug and Karen<br>Fonthill |
| PR00006 | Fox, Donald<br>Oshawa |
| PR00007 | Ginou, Alex<br>Agincourt |
| PR00008 | Graham, J.M.<br>Ottawa |
| PR00009 | Gray, Gordon<br>Brampton |
| PR00010 | Greidanus, Morris N.<br>London |
| PR00011 | Hendry, W.J.<br>Pembroke |
| PR00012 | Huebert, Victor<br>Ruthven |
| PR00013 | Johnson, Astley J. and Barbara C.<br>Downsview |
| PR00014 | Jull, Peter<br>Ottawa |
| PR00015 | Klomps, John G.<br>Mississauga |
| PR00016 | Koole, Paul and Prina<br>St. Catharines |
| PR00017 | Murray, John and Marlene<br>Pickering |
| PR00018 | Nicholson, Roger G.<br>Burlington |
| PR00019 | Pipher-Gerrior, Sheila M.<br>Angus |
| PR00020 | Rain, Sherrie<br>Brampton |
| PR00021 | Reid, R.J.<br>Barrie |
| PR00022 | Scott, Peter<br>Elora |
| PR00023 | Soberman, D.A.<br>Kingston |
| PR00024 | Tillema, Ken<br>Chatham |
| PR00025 | Urquhart, Germaine M.<br>Thornhill |
| PR00026 | VandenHazel, Bessel J.<br>North Bay |
| PR00027 | Victoria County Board of Education<br>Lindsay |
| PR00028 | Bible Baptist Temple<br>St. Thomas |
| PR00029 | Annex Village Campus<br>Toronto |
| PR00030 | Bleiweiss Centre for Learning<br>Toronto |
| PR00031 | Cathedral Boys' High School<br>Hamilton |
| PR00032 | Durham Community School<br>Brooklin |
| PR00033 | St. Mary's College<br>Sault Ste. Marie |
| PR00034 | South-Port Pentecostal Christian School<br>Southampton |
| PR00035 | Chiefs of Ontario<br>Toronto |
| PR00036 | Muskoka Association for Christian Education<br>Utterson |
| PR00037 | Ontario Catholic Secondary School Principals' Association<br>London |
| PR00038 | Ontario Christian School Teachers' Association<br>Bramalea |
| PR00039 | Bergsma, Ron<br>Shelburne |
| PR00040 | Byrne, Garry and Mary<br>Nepean |
| PR00041 | DeVries, Hilda and Jack<br>St. Thomas |
| PR00042 | Kuipers, Diane<br>Carrying Place |
| PR00043 | Kuipers, Henry<br>Carrying Place |
| PR00044 | William Hands Secondary School<br>Windsor |
| PR00045 | Laroye, Anne and Guy<br>Willowdale |
| PR00046 | Linnell, Cameron and Jenny<br>Woodstock |
| PR00047 | Milliquet, D.<br>Nepean |
| PR00048 | Nywening, Bill<br>Wyoming |
| PR00049 | Roos, Dick and Nellie<br>Brighton |
| PR00050 | Slopsema, H.R.<br>Newmarket |
| PR00051 | Smits, Jane<br>Trenton |
| PR00052 | Suurdt, Alice<br>Frankford |
| PR00053 | Triemstra, Joanne<br>Trenton |
| PR00054 | Vanberkel, John<br>Carrying Place |

| | |
|---|---|
| PR00055 | VanderMeuler, C. and J.<br>Trenton |
| PR00056 | VanHuizen, J.<br>Trenton |
| PR00057 | Great Lakes College of Toronto<br>Toronto |
| PR00058 | Holland Marsh District Christian School<br>Newmarket |
| PR00059 | Regiopolis-Notre Dame Catholic Private School (Administration Board)<br>Kingston |
| PR00060 | Timothy Christian School<br>Owen Sound |
| PR00061 | Pioneer Women Na'amat<br>Toronto |
| PR00062 | DeVisser, Peter<br>Hamilton |
| PR00063 | Benjamins, Bernie<br>St. Catharines |
| PR00064 | Reitsma, Jack<br>Guelph |
| PR00065 | Davis, Peter L<br>Toronto |
| PR00066 | Stutz, Jeffery R.<br>Toronto |
| PR00067 | Ord, Dennis<br>Etobicoke |
| PR00068 | Stegenga, Jenny<br>Fenelon Falls |
| PR00069 | Carleton Roman Catholic School Board<br>Nepean |
| PR00070 | Henneveld, H.<br>Bramalea |
| PR00071 | Ferwerda, T.<br>Guelph |
| PR00072 | Reyneveld, Nicolaas<br>Tavistock |
| PR00073 | Banga, Alard and Lubbie<br>Carrying Place |
| PR00074 | Chairmen and the Directors of Education of the Seven Public School Boards in Metropolitan Toronto<br>Toronto |
| PR00075 | Barkey, Valmay<br>Lindsay |
| PR00076 | Colyn, Margaret<br>Wellandport |
| PR00077 | DeJong, Stan<br>St. Catharines |
| PR00078 | VanGeest, Adrian, Rev.<br>Grimsby |
| PR00079 | Board of Education for the Borough of East York<br>Toronto |
| PR00080 | Sheila Morrison Schools<br>Lefroy |
| PR00081 | Conference of Independent Schools<br>Toronto |
| PR00082 | Kallio, Bryan and Vezeau, Lee<br>Ottawa |
| PR00083 | Veld, Gerrit and Rosina<br>Welland |
| PR00084 | Hoftyzer, A.<br>Frankford |
| PR00085 | Riepma, Clare<br>Georgetown |
| PR00086 | Goldstein, S.<br>Toronto |
| PR00087 | Board of Education for the City of Toronto<br>Toronto |
| PR00088 | Durham Christian Secondary School<br>Bowmanville |
| PR00089 | Central Baptist Academy<br>Brantford |
| PR00090 | Wiersma, J.<br>Whitby |
| PR00091 | Verhulst, Adrian<br>Guelph |
| PR00092 | Denis O'Connor Catholic High School (Staff)<br>Ajax |
| PR00093 | Veenstra, Ted and Tina<br>St. Catharines |
| PR00094 | Leather, Goldie and John E.<br>Guelph |
| PR00095 | Terry, B.D.<br>Janetville |
| PR00096 | Davis, Michael<br>Sioux Lookout |
| PR00097 | Tyrer, Donna A. and Paul<br>Frankford |
| PR00098 | Veld, Gerrit and Rosina<br>Welland |
| PR00099 | Trenton Christian School<br>Trenton |
| PR00100 | Rehoboth Christian School<br>Copetown |
| PR00101 | Aukema, Jim<br>Chatham |
| PR00102 | Adath Israel Congregation<br>Downsview |
| PR00103 | Vermeer, Christine and John<br>Hamilton |
| PR00104 | VanderWindt, Harry A., Rev. and Henny<br>Dunnville |
| PR00105 | Renfrew County Board of Education<br>Pembroke |
| PR00106 | Mihorean, Philip F.<br>Markham |
| PR00107 | Den Haan, Ed<br>Guelph |
| PR00108 | Red Lake Christian School<br>Red Lake |
| PR00109 | Venta Preparatory School<br>Carp |
| PR00110 | Board of Education for the City of Etobicoke<br>Etobicoke |
| PR00111 | Jones, Gordon<br>Guelph |
| PR00112 | Nelson, J.F.<br>Ottawa |
| PR00113 | Board of Education for the City of Scarborough<br>Scarborough |

| | |
|---|---|
| PR00114 | Duiker, B.<br>Barrie |
| PR00115 | Great Lakes Christian College<br>Beamsville |
| PR00116 | Manitouwadge Wildwood Baptist Church and Academy<br>Manitouwadge |
| PR00117 | Ross, Evelyn and Robin<br>Trenton |
| PR00118 | Buesink, John and Lillian<br>Hamilton |
| PR00119 | Koops, Ralph<br>Cambridge |
| PR00120 | Wellanport Christian School Board<br>Wellandport |
| PR00121 | VanderWier, Dave and Tina<br>Wellandport |
| PR00122 | Round, Bryan and Judy<br>Guelph |
| PR00123 | Ottawa Anglican School Society (Bishop Hamilton School)<br>Ottawa |
| PR00124 | Westerhof, Helen and Leo<br>Hillier |
| PR00125 | Niagara South Board of Education<br>Welland |
| PR00126 | Scogog Christian School Association<br>Port Perry |
| PR00127 | Kent County Board of Education<br>Chatham |
| PR00128 | Halang, Fred and Nike<br>Ottawa |
| PR00129 | Goodhoofd, Herb<br>London |
| PR00130 | Smithville District Christian High School (Students)<br>Smithville |
| PR00131 | Klooster, Ann and William<br>Shakespeare |
| PR00132 | John Calvin Christian School (Board of Trustees)<br>Guelph |
| PR00133 | Friedberg, J. Benjamin<br>Toronto |
| PR00134 | Hare, Elizabeth and W.L.<br>Avonmore |
| PR00135 | Georgetown District Christian School Board<br>Georgetown |
| PR00136 | Skorecki, Karl L.<br>Toronto |
| PR00137 | Belleville District Christian School<br>Belleville |
| PR00138 | Ontario Association of Education Administrative Officials<br>Toronto |
| PR00139 | Eigenbrood, Cindy<br>Frankford |
| PR00140 | Lincoln County Roman Catholic Separate School Board<br>St. Catharines |
| PR00141 | United Synagogue Day School (Parents Association)<br>Willowdale |
| PR00142 | Phoenix School<br>Toronto |
| PR00143 | Zandbergen, John<br>Brinston |
| PR00144 | Abramowitz, N.<br>Willowdale |
| PR00145 | Durham Board of Education<br>Oshawa |
| PR00146 | Guichelaar, Ann<br>Brantford |
| PR00147 | Young, Errol<br>North York |
| PR00148 | Maranatha Christian School/ Emmanuel Christian High School (Board of Trustees)<br>Guelph |
| PR00149 | Waterloo County Roman Catholic Separate School Board<br>Kitchener |
| PR00150 | Community School (of Killaloe)<br>Wilno |
| PR00151 | Groenewegen, Harry<br>Hamilton |
| PR00152 | Nederveen, G.<br>Brampton |
| PR00153 | Heritage Christian School<br>Lindsay |
| PR00154 | Laurentian Hills Christian School<br>Kitchener |
| PR00155 | Thunder Bay Christian School<br>Thunder Bay |
| PR00156 | Cochrane Iroquois Falls Board of Education<br>Iroquois Falls |
| PR00157 | Federation of Women Teachers' Associations of Ontario<br>Toronto |
| PR00158 | Lennox and Addington County Board of Education<br>Napanee |
| PR00159 | Lincoln County Board of Education<br>St. Catharines |
| PR00160 | North Shore Board of Education<br>Elliot Lake |
| PR00161 | Ontario Secondary School Teachers' Federation, District 10 (Region of Peel); Canadian Union of Public Employees, Local 1628, Office and Clerical (Peel); Canadian Union of Public Employees, Local 2544, Caretakers (Peel Board of Education); Ontario Secondary School Teachers' Federation, District 11 (York Region)<br>Mississauga |
| PR00162 | Ebenezer Christian School<br>St. Thomas |
| PR00163 | Orillia Christian School<br>Orillia |
| PR00164 | Dunnville Christian School<br>Dunnville |
| PR00165 | Jarvis District Christian School<br>Jarvis |
| PR00166 | Rehoboth Christian School<br>Norwich |

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|---|---|---|
| PR00167 | Kaiser, Alfred | Ottawa |
| PR00168 | Smithville District Christian High School | Smithville |
| PR00169 | Ophek, Eli | Thornhill |
| PR00170 | Zegerius, Hans | Guelph |
| PR00171 | Dekleer, George E. | Georgetown |
| PR00172 | Peel Board of Education | Mississauga |
| PR00173 | Zuker, Richard C. | Nepean |
| PR00174 | Simcoe County Board of Education | Barrie |
| PR00175 | Lennox and Addington County Board of Education | Napanee |
| PR00176 | League of Canadian Reformed School Societies | Burlington |
| PR00177 | Jonker, H. | St. Catharines |
| PR00178 | Board of Education for the City of York | Toronto |
| PR00179 | Force, Dora | Woodstock |
| PR00180 | Blair, Andrew G. | Toronto |
| PR00181 | Community Hebrew Academy of Toronto | Downsview |
| PR00182 | Henderson, Thomas A. | Windsor |
| PR00183 | Summers, Mabel | Winchester |
| PR00184 | Harbers, M. and W. | Brinston |
| PR00185 | Chard, Christine and Gary | Trenton |
| PR00186 | Haliburton County Board of Education | Haliburton |
| PR00187 | van Arragon, Hennie and J. | Hamilton |
| PR00188 | Young, Marlene | Kitchener |
| PR00189 | Ormston, G. C. | Desbarats |
| PR00190 | York Region Board of Education | Aurora |
| PR00191 | Windsor Board of Education | Windsor |
| PR00192 | Burlington Parental Christian School Society | Burlington |
| PR00193 | McCallum, Donald | Guelph |
| PR00194 | Newmarket Montessori School (Parent Board) | Newmarket |
| PR00195 | Timiskaming Board of Education | New Liskeard |
| PR00196 | Ottawa Talmud Torah Board | Ottawa |
| PR00197 | Ontario English Catholic Teachers' Association | Toronto |
| PR00198 | Association of General Studies Teachers in Hebrew Day Schools | Toronto |
| PR00199 | Ontario Jewish Association for Equity in Education | Willowdale |
| PR00200 | Netivat Hatorah Day School | Toronto |
| PR00201 | Dufferin-Peel Roman Catholic Separate School Board | Mississauga |
| PR00202 | Ontario Public School Teachers' Federation | Toronto |
| PR00203 | Ontario Teachers' Federation | Toronto |
| PR00204 | Associated Hebrew Schools of Toronto | Toronto |
| PR00205 | Ontario Cooperative Education Association | St. Catharines |
| PR00206 | Canadian Reformed School Society of Dufferin Area Inc. | Orangeville |
| PR00207 | Froebel Foundation | Mississauga |
| PR00208 | Ontario Conference of Catholic Bishops | Toronto |
| PR00209 | Ontario Secondary School Teachers' Federation | Toronto |
| PR00210 | Ottawa Roman Catholic Separate School Board | Ottawa |
| PR00211 | Hamilton-Wentworth Roman Catholic Separate School Board | Hamilton |
| PR00212 | Waese, Mae; Chandler, Elsa; Smith, Elizabeth; Newman, Zale | North York |
| PR00213 | Association of Large School Boards in Ontario | Toronto |
| PR00214 | Rockway Mennonite School Association Inc. | Kitchener |
| PR00215 | Toronto Central Christian School | Toronto |
| PR00216 | Curriculum Development Centre | Toronto |
| PR00217 | Timothy Christian School Association of Toronto | Rexdale |
| PR00218 | Kohai Educational Centre | Toronto |

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| PR00219 | Toronto French School<br>Toronto |
| PR00220 | Baker, Steven A.<br>Toronto |
| PR00221 | Beth Jacob High School and Jacob Perlman Teachers' Seminary<br>Toronto |
| PR00222 | Waterloo County Board of Education<br>Waterloo |
| PR00223 | London and Middlesex County Roman Catholic Separate School Board<br>London |
| PR00224 | Wentworth County Board of Education<br>Ancaster |
| PR00225 | Brant County Board of Education<br>Brantford |
| PR00226 | Wellington County Board of Education<br>Guelph |
| PR00227 | Perth County Board of Education<br>Stratford |
| PR00228 | Association for Christian Education of St. Catharines<br>St. Catharines |
| PR00229 | Signer, Pesia; Signer, Barry; Lightstone, A.D.; Geist, Terry; Mida, Carrie; Mida, Israel; Kanner, Susan<br>Don Mills |
| PR00230 | Cormack, Robert<br>Willowdale |
| PR00231 | Elmwood School<br>Ottawa |
| PR00232 | Brampton Montessori School<br>Brampton |
| PR00233 | Congregation of St. Basil (Basilian Fathers)<br>Windsor |
| PR00234 | London Community Hebrew Day School Cooperative Inc. (Board of Directors)<br>London |
| PR00235 | Yeshivak Bnei Akiva or Chaim School<br>Downsview |
| PR00236 | Ulpanat Orot Girls' School<br>Downsview |
| PR00237 | Canadian Reformed School Society of Brampton-Toronto/Credo Christian School<br>Toronto |
| PR00238 | Canadian Council of Montessori Administrators<br>Toronto |
| PR00239 | Armenian Relief Society's Kololian Elementary Babayan Kindergarden (Board of Trustees)<br>Willowdale |
| PR00240 | Toronto Waldorf School<br>Toronto |
| PR00241 | Ner Israel Yeshiva College of Toronto<br>Willowdale |
| PR00242 | Or Haemet Sephardic School<br>Toronto |
| PR00243 | Directors of Public Boards of Education in the Province of Ontario<br>Etobicoke |
| PR00244 | Sault Ste. Marie Board of Education<br>Sault Ste. Marie |
| PR00245 | Wellington County Roman Catholic Separate School Board<br>Guelph |
| PR00246 | Oxford County Board of Education<br>Woodstock |
| PR00247 | Lambton County Board of Education<br>Sarnia |
| PR00248 | Bialik Hebrew Day School<br>Toronto |
| PR00249 | Grenville Christian College<br>Brockville |
| PR00250 | Congrégation des Soeurs de la Charité d'Ottawa (Collège Notre-Dame) Sudbury |
| PR00251 | Leonardo da Vinci Academy of Arts and Sciences<br>Toronto |
| PR00252 | Quinte Christian High School<br>Belleville |
| PR00253 | Matthews Hall<br>London |
| PR00254 | Timothy Christian School<br>Williamsburg |
| PR00255 | Crestwicke Christian Academy<br>Guelph |
| PR00256 | Guido de Brès High School (Staff)<br>Hamilton |
| PR00257 | United Mennonite Educational Institute<br>Leamington |
| PR00258 | Killaloe Alternative School<br>Killaloe |
| PR00259 | Emmanuel Christian Academy<br>Cottam |
| PR00260 | Woodland Christian High School<br>Breslau |
| PR00261 | Trinity College School<br>Port Hope |
| PR00262 | Winston School<br>Toronto |
| PR00263 | Hamilton Hebrew Academy (Education Committee)<br>Hamilton |
| PR00264 | Ottawa Christian School; Redeemer Christian High School<br>Ottawa |
| PR00265 | Brantford Christian School (Staff)<br>Brantford |
| PR00266 | West Island College<br>Ottawa |
| PR00267 | Grootenboer, J.P.<br>Bramalea |
| PR00268 | Rivercrest Home and School Association<br>Rexdale |
| PR00269 | Chapman, Judy-Anne<br>Kitchener |
| PR00270 | Van Gilst, Jack<br>Finch |

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|---|---|
| PR00271 | DeVries, Rudy<br>Hamilton |
| PR00272 | Young, Mabel<br>Hamilton |
| PR00273 | Geurkink, Janny<br>Iroquois |
| PR00274 | Elzinga, George<br>Jarvis |
| PR00275 | Dibbits, Jane and Pete<br>Codrington |
| PR00276 | Bokma, John and Alyce<br>Port Dover |
| PR00277 | Jamieson, Richard<br>Nepean |
| PR00278 | Kamp, L.J.<br>Guelph |
| PR00279 | Guthrie, Pearl<br>Georgetown |
| PR00280 | Jaeger, Martin<br>Scarborough |
| PR00281 | Goodman, William E.<br>Toronto |
| PR00282 | Ontario Association of School Business Officials<br>Toronto |
| PR00283 | Orangeville Christian School Society<br>Orangeville |
| PR00284 | Ontario Secondary School Teachers' Federation, District 23 (Grey County)<br>Meaford |
| PR00285 | Ontario Secondary School Teachers' Federation, District 1<br>Windsor |
| PR00286 | Timothy Canadian Reformed School Society of Hamilton<br>Hamilton |
| PR00287 | Public School Principals' Association for the City of York<br>Toronto |
| PR00288 | Ontario Catholic Supervisory Officers' Association<br>Brantford |
| PR00289 | John Calvin School Society Inc.<br>Burlington |
| PR00290 | Ontario Public School Trustees' Association<br>Toronto |
| PR00291 | Northern Ontario School Trustees' Association<br>North Bay |
| PR00292 | Consortium of Learning Centres<br>Toronto |
| PR00293 | Ontario Association for Children with Learning Disabilities<br>Toronto |
| PR00294 | Canadian Jewish Forum<br>Toronto |
| PR00295 | Ontario Seventh-Day Adventist Board of Education<br>Oshawa |
| PR00296 | Hanks, Margot<br>Kincardine |
| PR00297 | Bethel Baptist Church<br>Simcoe |
| PR00298 | Citizens for Public Justice<br>Toronto |
| PR00299 | Fundamental Baptist Preachers Fellowship<br>Simcoe |
| PR00300 | Presbytery of the Lake-of-Woods<br>Atikokan |
| PR00301 | Hastings County Board of Education; Ontario Secondary School Teachers' Federation, District 19; Federation of Women Teachers' Associations of Ontario (Hastings County); Ontario Public School Teachers' Federation (Hastings County); Elementary Leadership Association (Hastings County); Secondary Principals and Vice-Principals (Hastings County)<br>Belleville |
| PR00302 | Kirkland Lake Board of Education<br>Kirkland Lake |
| PR00303 | Peel Board of Education<br>Mississauga |
| PR00304 | Peel Board of Education<br>Mississauga |
| PR00305 | Metropolitan Separate School Board<br>Willowdale |
| PR00306 | Elgin County Board of Education<br>St. Thomas |
| PR00307 | Perth County Board of Education<br>Stratford |
| PR00308 | Muskoka Board of Education<br>Bracebridge |
| PR00309 | Toronto District Christian High School<br>Toronto |
| PR00310 | Scarborough Christian School<br>Milliken |
| PR00311 | Counterpoint School<br>Ottawa |
| PR00312 | Clinton and District Christian School<br>Clinton |
| PR00313 | Athens Christian School<br>Athens |
| PR00314 | Saint John's School of Ontario<br>Claremont |
| PR00315 | Pineview Mennonite School<br>Barwick |
| PR00316 | Cornerstone Christian School<br>Wellesley |
| PR00317 | Lambton Christian High School; Sarnia Christian School<br>Sarnia |
| PR00318 | Collingwood and District Christian Elementary School Association; Silvercrest Christian School (Board of Directors)<br>Wasaga Beach |
| PR00319 | Faith Community Christian School<br>London |
| PR00320 | United Synagogue Day School<br>Willowdale |
| PR00321 | Calvin Christian School<br>Drayton |
| PR00322 | Leo Baeck Day School<br>Willowdale |

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| PR00323 | London District Christian Secondary School (Board of Trustees)<br>London |
| PR00324 | Grace Christian Academy<br>Peterborough |
| PR00325 | Ridley College<br>St. Catharines |
| PR00326 | Montessori School of Cambridge<br>Cambridge |
| PR00327 | Covenant Christian School<br>London |
| PR00328 | Hamilton District Christian High School<br>Hamilton |
| PR00329 | Lycée Claudel<br>Ottawa |
| PR00330 | Ottawa Montessori Schools<br>Ottawa |
| PR00331 | John Knox Christian School<br>Brampton |
| PR00332 | Brantford Christian School<br>Brantford |
| PR00333 | Gospel Outreach of Thunder Bay<br>Thunder Bay |
| PR00334 | Humanist Association of Canada<br>Gloucester |
| PR00335 | Conservative Mennonite Church of Ontario<br>Listowel |
| PR00336 | Calvary Baptist Church/Calvary Christian School<br>Woodbridge |
| PR00337 | Lakeview Presbyterian Church<br>Thunder Bay |
| PR00338 | Berean Baptist Church<br>Collingwood |
| PR00339 | Network Canada<br>Toronto |
| PR00340 | Congregation Beth Shalom<br>Ottawa |
| PR00341 | Congregation Machzikei Hadas<br>Ottawa |
| PR00342 | New Life In Christ Fellowship<br>Greensville |
| PR00343 | Van Egmond, John<br>Acton |
| PR00344 | Vanden Berg, Ada and Richard<br>Waterloo |
| PR00345 | Maddoms, Nancy<br>Ottawa |
| PR00346 | Haggett, Barry and Jean<br>Addison |
| PR00347 | Schuringa, Margaret<br>St. Catharines |
| PR00348 | Brunsveld, George and Riek<br>Newington |
| PR00349 | Elgersma, George and Margaret<br>Guelph |
| PR00350 | Nitkin, David<br>Toronto |
| PR00351 | Poirier, Henry J.<br>St. Thomas |
| PR00352 | Baker, B. and C.<br>Georgetown |
| PR00353 | Prins, George and Sylvia<br>Ridgeville |
| PR00354 | Lemstra, John<br>Acton |
| PR00355 | Penney, David C.<br>Rexdale |
| PR00356 | Voskamp, John<br>Trenton |
| PR00357 | Rumph, Hilbert<br>Drayton |
| PR00358 | Meipoom, K.<br>Toronto |
| PR00359 | van der Zweep, Bernard and Theresa<br>Morrisburg |
| PR00360 | Veldhoen, Gord<br>Trenton |
| PR00361 | Roukema, Hilda E.<br>Brampton |
| PR00362 | Essenburg, Larry<br>London |
| PR00363 | van Arragon, Jack and Laura<br>Atikokan |
| PR00364 | Flynn, Kevin J.<br>Halton Hills |
| PR00365 | Mann, Walter<br>Georgetown |
| PR00366 | Heidinga, James<br>Trenton |
| PR00367 | Jones, Marilyn<br>Ottawa |
| PR00368 | Cooper, Sheldon A.<br>Brampton |
| PR00369 | Taylor, Millicent<br>Ottawa |
| PR00370 | Batelaan, Andy<br>Bowmanville |
| PR00371 | Doornbos, Fred and Lonny<br>St. Catharines |
| PR00372 | Wan, Daniel and Bonnie and others<br>Toronto |
| PR00373 | Koning, Audrey and John<br>Carrying Place |
| PR00374 | Baheu, Margaret<br>Willowdale |
| PR00375 | Cappon, John<br>Willowdale |
| PR00376 | Buys, Margaret and William<br>Beamsville |
| PR00377 | Henley, John A.<br>Brighton |
| PR00378 | West, Edwin G.<br>Ottawa |
| PR00379 | Gerritsma, Sylvan E.<br>St. Catharines |
| PR00380 | Gunnink, Henry<br>Kanata |
| PR00381 | Wilkins, Karen<br>Thornhill |
| PR00382 | Graham, Norma<br>Kingston |
| PR00383 | Bayley, Katharine<br>Kincardine |
| PR00384 | Living School<br>Wilno |

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| PR00385 | Ontario Secondary School Teachers' Federation, District 11 (York Region) | Aurora |
| PR00386 | Ontario Secondary School Teachers' Federation, District 32 | Kirkland Lake |
| PR00387 | Ontario Secondary School Teachers' Federation, District 26 | Ottawa |
| PR00388 | Friendship Baptist Church | Pickle Lake |
| PR00389 | Halton Secondary Principals' Association | Burlington |
| PR00390 | Maurice Cody Family and School Association | Toronto |
| PR00391 | Community Christian School Association | Osgoode |
| PR00392 | Ontario Christian School Teachers' Association | Bramalea |
| PR00393 | Calvin Christian School Society of Chatham | Chatham |
| PR00394 | Toronto Chinese Community Church | Scarborough |
| PR00395 | McGuinty, Dalton | Ottawa |
| PR00396 | Ontario Secondary School Teachers' Federation, District 3 (Lambton County) | Sarnia |
| PR00397 | Davisville School Parents' Association | Toronto |
| PR00398 | Association des parents d'élèves du Lycée Claudel | Ottawa |
| PR00399 | Moraal, Koop | Ilderton |
| PR00400 | Purvis, Jan | Oakville |
| PR00401 | Hart, Joy | Hamilton |
| PR00402 | Repka, Paul and Hubert, Carol Lee | Grand Valley |
| PR00403 | VanDyke, Dick | Bramalea |
| PR00404 | Roslyn, Bernadine | Killaloe |
| PR00405 | Dainard, Kathleen and Neil | Orangeville |
| PR00406 | Fennema, Carol and John | Ancaster |
| PR00407 | River Valley School | Lanark |
| PR00408 | Burghart, H. Lloyd | London |
| PR00409 | Bosveld, Martin P. | Chatham |
| PR00410 | Canadian Reformed School Society for Secondary Education of Orangeville | Orton |
| PR00411 | Canadian Reformed Teachers' College Association | Hamilton |
| PR00412 | Guido de Brès Canadian Reformed Highschool Association | Hamilton |
| PR00413 | Ontario School Counsellors' Association | Mississauga |
| PR00414 | Ontario Association of Alternative and Independent Schools | Toronto |
| PR00415 | Canadian Reformed School Society of Watford and District | Wyoming |
| PR00416 | Ontario Alliance of Christian School Societies; Ontario Christian School Administrators' Association | Hamilton |
| PR00417 | Ontario Conference of Mennonite Brethren Churches/Eden Christian College | Niagara-on-the-Lake |
| PR00418 | Central Algoma Board of Education | Richards Landing |
| PR00419 | Leeds and Grenville County Board of Education | Brockville |
| PR00420 | Welland County Roman Catholic Separate School Board | Welland |
| PR00421 | Huron County Board of Education | Clinton |
| PR00422 | Smithville District Christian High School | Smithville |
| PR00423 | The School House (Walker Avenue School) | Toronto |
| PR00424 | Timothy Christian School (Board of Directors) | Barrie |
| PR00425 | Collège catholique Samuel Genest | Ottawa |
| PR00426 | Central Baptist Church/Central Christian School | London |
| PR00427 | Banyan Tree Private School | London |
| PR00428 | Cambridge Christian School Society | Cambridge |
| PR00429 | King, Dawn | Perth |
| PR00430 | New Testament Baptist Church | Hamilton |
| PR00431 | Fine, Arnold, Rabbi | Ottawa |
| PR00432 | Ottawa-valley Association for Educational Alternatives | Ottawa |
| PR00433 | Mercer, Brenda | Glanworth |
| PR00434 | Wilcoxen, Marilyn K. | Toronto |

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|---|---|---|
| PR00435 | Ashbury College | Ottawa |
| PR00436 | Secondary Teachers of Metropolitan Toronto | Toronto |
| PR00437 | Pembroke Christian School | Pembroke |
| PR00438 | Elgin County Board of Education | St. Thomas |
| PR00439 | Alliston Community Christian School | Alliston |
| PR00440 | Smouter, Ron | London |
| PR00441 | Northumberland and Newcastle Board of Education | Cobourg |
| PR00442 | LeBarr, Lois | Orillia |
| PR00443 | Ottawa Teaching and Learning Centre | Ottawa |
| PR00444 | Beth Emeth Bais Yehuda Synagogue | Downsview |
| PR00445 | Renaissance Ontario | Milton |
| PR00446 | Metropolitan Toronto School Board | Willowdale |
| PR00447 | Freedom Party of Ontario | London |
| PR00448 | Eden, R.W. | Toronto |
| PR00449 | Board of Education for the City of North York | North York |
| PR00450 | Brooke Valley School | Perth |
| PR00451 | Ottawa Board of Education | Ottawa |
| PR00452 | Seberras, Christine and Ron | Rexdale |
| PR00453 | Fruitland John Knox Memorial Christian School | Fruitland |
| PR00454 | Eisner, Kathy and Theilheimer, Ish | Killaloe |
| PR00455 | Radulescu, Dan | Bramalea |
| PR00456 | Cope, Elizabeth Ann and James H. | Bramalea |
| PR00457 | Principals' Association of Jewish Day School of Toronto | Willowdale |
| PR00458 | Timmins Board of Education | Timmins |
| PR00459 | Conference of Independent Schools | Toronto |
| PR00460 | McMullen, Deborah | Ottawa |
| PR00461 | Vanderhoek, John | Burlington |
| PR00462 | Upper Canada College | Toronto |
| PR00463 | Dufferin County Board of Education | Orangeville |
| PR00464 | Michipicoten Board of Education | Wawa |
| PR00465 | Leeds and Grenville County Board of Education | Brockville |
| PR00466 | Howcroft, Lorne | Brampton |
| PR00467 | Sobolewski, Edward | Mississauga |
| PR00468 | Manitoulin Board of Education | Little Current |
| PR00469 | Calvin Christian School | Dundas |
| PR00470 | Stouffville Christian School (Board of Directors) | Claremont |
| PR00471 | Canadian Federation of Independent Business | Willowdale |
| PR00472 | Board of Education for the City of London | London |
| PR00473 | Muskoka Board of Education | Bracebridge |
| PR00474 | Williams, John W. | Chatham |
| PR00475 | Confederation of Canadian Christian Schools (Association of Christian Schools International Eastern Canada Region) | Hamilton |
| PR00476 | Frontenac County Board of Education | Kingston |
| PR00477 | Prince Edward County Board of Education | Bloomfield |
| PR00478 | Waterloo County Board of Education (Consultants) | Kitchener |
| PR00479 | Orton Pastoral Charge (United Church of Canada) | Belwood |
| PR00480 | Dickson, Ed and Lee | Sudbury |
| PR00481 | Ames, Debbie J. | Garson |
| PR00482 | Martin, W. | Sudbury |
| PR00483 | Remedial Teaching Centre/Centre d'Apprentissage | Sudbury |
| PR00484 | Snetsinger, J.A. | Kingston |
| PR00485 | Stewart, Rouleen | London |
| PR00486 | Association des enseignants franco-ontariens | Ottawa |
| PR00487 | Peterborough County Board of Education | Peterborough |
| PR00488 | École Le Goéland | Ottawa |
| PR00489 | Timothy Christian School (Promotion Committee) | Owen Sound |
| PR00490 | Grey County Board of Education | Markdale |

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| PR00491 | Ontario Students' Alliance for Fair Funding<br>Ottawa |
| PR00492 | Kent County Roman Catholic Separate School Board<br>Chatham |
| PR00493 | Norfolk Board of Education<br>Simcoe |
| PR00494 | Ontario Federation of Labour<br>Don Mills |
| PR00495 | Kalil, Alfred G.<br>Ottawa |
| PR00496 | Scarborough Home and School Council<br>Scarborough |
| PR00497 | DeVries, Irma and John<br>Harriston |
| PR00498 | Lakeview Montessori School<br>St. Clair Beach |
| PR00499 | Council of Christian Reformed Churches in Canada<br>Burlington |
| PR00500 | Kalas, Judi<br>Stoney Creek |
| PR00501 | Remedial Reading Centre<br>Toronto |
| PR00502 | Stewart, J. I.<br>Dunnville |
| PR00503 | Ontario Separate School Trustees' Association<br>Willowdale |
| PR00504 | Etobicoke Home and School Council<br>Weston |
| PR00505 | Ontario Public Service Employees Union (Local 137)<br>Windsor |
| PR00506 | Unemployment Help Centre<br>Kingston |
| PR00507 | Ubriaco, Rita<br>Thunder Bay |
| PR00508 | Council for Exceptional Children (Ontario Provincial Federation)<br>Brockville |
| PR00509 | Consortium of Ontario Public Alternative Schools<br>Toronto |
| PR00510 | Collège Notre-Dame (Student Council)<br>Sudbury |
| PR00511 | Godley, Mhairi M.<br>Etobicoke |
| PR00512 | Pfalzner, Paul<br>Ottawa |
| PR00513 | Gill, Rena<br>Toronto |
| PR00514 | Ocana, R.<br>Toronto |

# ALPHABETICAL LIST OF CORPORATE AND PERSONAL AUTHORS PROVIDING SUBMISSIONS TO THE COMMISSION ON PRIVATE SCHOOLS IN ONTARIO.

BRIEFS MAY BE ACCESSED THROUGH ONTERIS EITHER BY BRIEF NUMBER OR AUTHOR'S NAME.

| | | |
|---|---|---|
| Abramowitz, N. | Willowdale | PR00144 |
| Abshez, Charles | Toronto | PR00001 |
| Adath Israel Congregation | Downsview | PR00102 |
| Alliston Community Christian School | Alliston | PR00439 |
| Ames, Debbie J. | Garson | PR00481 |
| Annex Village Campus | Toronto | PR00029 |
| Armenian Relief Society's Kololian Elementary Babayan Kindergarden (Board of Trustees) | Willowdale | PR00239 |
| Ashbury College | Ottawa | PR00435 |
| Associated Hebrew Schools of Toronto | Toronto | PR00204 |
| Association des enseignants franco-ontariens | Ottawa | PR00486 |
| Association des parents d'élèves du Lycée Claudel | Ottawa | PR00398 |
| Association for Christian Education of St. Catharines | St. Catharines | PR00228 |
| Association of General Studies Teachers in Hebrew Day Schools | Toronto | PR00198 |
| Association of Large School Boards in Ontario | Toronto | PR00213 |
| Athens Christian School | Athens | PR00313 |
| Aukema, Jim | Chatham | PR00101 |
| Baheu, Margaret | Willowdale | PR00374 |
| Baker, B. and C. | Georgetown | PR00352 |
| Baker, Steven A. | Toronto | PR00220 |
| Banga, Alard and Lubbie | Carrying Place | PR00073 |
| Banyan Tree Private School | London | PR00427 |
| Barkey, Valmay | Lindsay | PR00075 |
| Batelaan, Andy | Bowmanville | PR00370 |
| Bayley, Katharine | Kincardine | PR00383 |
| Belleville District Christian School | Belleville | PR00137 |
| Benjamins, Bernie | St. Catharines | PR00063 |
| Berean Baptist Church | Collingwood | PR00338 |
| Bergsma, Ron | Shelburne | PR00039 |
| Beth Emeth Bais Yehuda Synagogue | Downsview | PR00444 |
| Beth Jacob High School and Jacob Perlman Teachers' Seminary | Toronto | PR00221 |
| Bethel Baptist Church | Simcoe | PR00297 |
| Bialik Hebrew Day School | Toronto | PR00248 |
| Bible Baptist Temple | St. Thomas | PR00028 |
| Blair, Andrew G. | Toronto | PR00180 |
| Bleiweiss Centre for Learning | Toronto | PR00030 |
| Board of Education for the Borough of East York | Toronto | PR0079 |
| Board of Education for the City of Etobicoke | Etobicoke | PR00110 |
| Board of Education for the City of London | London | PR00472 |
| Board of Education for the City of North York | North York | PR00449 |
| Board of Education for the City of Scarborough | Scarborough | PR00113 |
| Board of Education for the City of Toronto | Toronto | PR0087 |
| Board of Education for the City of York | Toronto | PR00178 |

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| Bokma, Alyce and John<br>Port Dover | PR00276 |
| Bosveld, Martin P.<br>Chatham | PR00409 |
| Brampton Montessori School<br>Brampton | PR00232 |
| Brant County Board of Education<br>Brantford | PR00225 |
| Brantford Christian School<br>Brantford | PR00332 |
| Brantford Christian School (Staff)<br>Brantford | PR00265 |
| Breems, M.<br>Newmarket | PR00002 |
| Brooke Valley School<br>Perth | PR00450 |
| Brunsveld, George and Riek<br>Newington | PR00348 |
| Buesink, John and Lillian<br>Hamilton | PR00118 |
| Burghart, H. Lloyd<br>London | PR00408 |
| Burlington Parental Christian School Society<br>Burlington | PR00192 |
| Buys, Margaret and William<br>Beamsville | PR00376 |
| Byrne, Garry and Mary<br>Nepean | PR00040 |
| Calvary Baptist Church<br>Woodbridge | PR00336 |
| Calvary Christian School<br>Woodbridge | PR00336 |
| Calvin Christian School<br>Drayton | PR00321 |
| Calvin Christian School<br>Dundas | PR00469 |
| Calvin Christian School Society of Chatham<br>Chatham | PR00393 |
| Cambridge Christian School Society<br>Cambridge | PR00428 |
| Canadian Council of Montessori Administrators<br>Toronto | PR00238 |
| Canadian Federation of Independent Business<br>Willowdale | PR00471 |
| Canadian Jewish Forum<br>Toronto | PR00294 |
| Canadian Reformed School Society for Secondary Education of Orangeville<br>Orton | PR00410 |
| Canadian Reformed School Society of Brampton-Toronto<br>Toronto | PR00237 |
| Canadian Reformed School Society of Dufferin Area Inc.<br>Orangeville | PR00206 |
| Canadian Reformed School Society of Watford and District<br>Wyoming | PR00415 |
| Canadian Reformed Teachers' College Association<br>Hamilton | PR00411 |
| Canadian Union of Public Employees, Local 1628, Office and Clerical (Peel)<br>Mississauga | PR00161 |
| Canadian Union of Public Employees, Local 2544, Caretakers (Peel Board of Education)<br>Mississauga | PR00161 |
| Cappon, John<br>Willowdale | PR00375 |
| Carleton Roman Catholic School Board<br>Nepean | PR00069 |
| Cathedral Boys' High School<br>Hamilton | PR00031 |
| Central Algoma Board of Education<br>Richards Landing | PR00418 |
| Central Baptist Academy<br>Brantford | PR00089 |
| Central Baptist Church<br>London | PR00426 |
| Central Christian School<br>London | PR00426 |
| Chairmen and the Directors of Education of the Seven Public School Boards in Metropolitan Toronto<br>Toronto | PR00074 |
| Chandler, Elsa<br>North York | PR00212 |
| Chapman, Judy-Anne<br>Kitchener | PR00269 |
| Chard, Christine and Gary<br>Trenton | PR00185 |
| Chiefs of Ontario<br>Toronto | PR00035 |
| Citizens for Public Justice<br>Toronto | PR00298 |
| Clinton and District Christian School<br>Clinton | PR00312 |
| Cochrane Iroquois Falls Board of Education<br>Iroquois Falls | PR00156 |
| Collège Catholique Samuel Genest<br>Ottawa | PR00425 |
| Collège Notre-Dame (Student Council)<br>Sudbury | PR00510 |

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| Collingwood and District Christian Elementary School Association Board of Directors | Wasaga Beach | PR00318 |
| Colyn, Margaret | Wellandport | PR00076 |
| Cormack, Robert | Willowdale | PR00230 |
| Community Christian School Association | Osgoode | PR00391 |
| Community Hebrew Academy of Toronto | Downsview | PR00181 |
| Community School (of Killaloe) | Wilno | PR00150 |
| Confederation of Canadian Christian Schools (Association of Christian Schools International, Eastern Canada Region) | Hamilton | PR00475 |
| Conference of Independent Schools | Toronto | PR00081<br>PR00459 |
| Congregation Beth Shalom | Ottawa | PR00340 |
| Congrégation des Soeurs de la Charité d'Ottawa (Collège Notre-Dame) | Sudbury | PR00250 |
| Congregation Machzikei Hadas | Ottawa | PR00341 |
| Congregation of St. Basil (Basilian Fathers) | Windsor | PR00233 |
| Conservative Mennonite Church of Ontario | Listowel | PR00335 |
| Consortium of Learning Centres | Toronto | PR00292 |
| Consortium of Ontario Public Alternative Schools | Toronto | PR00509 |
| Cooper, Sheldon A. | Brampton | PR00368 |
| Cope, Elizabeth Ann and James H. | Bramalea | PR00456 |
| Cornerstone Christian School | Wellesley | PR00316 |
| Council for Exceptional Children (Ontario Provincial Federation) | Brockville | PR00508 |
| Council of Christian Reformed Churches in Canada | Burlington | PR00499 |
| Counterpoint School | Ottawa | PR00311 |
| Covenant Christian School | London | PR00327 |
| Credo Christian School | Toronto | PR00237 |
| Crestwicke Christian Academy | Guelph | PR00255 |
| Curriculum Development Centre | Toronto | PR00216 |
| Dainard, Kathleen and Neil | Orangeville | PR00405 |
| Davis, Michael | Sioux Lookout | PR00096 |
| Davis, Peter L. | Toronto | PR00065 |
| Davisville School Parents' Association | Toronto | PR00397 |
| DeJong, Stan | St. Catharines | PR00077 |
| Dekleer, George E. | Georgetown | PR00171 |
| Den Haan, Ed | Guelph | PR00107 |
| Denis O'Connor Catholic High School (Staff) | Ajax | PR00092 |
| Deussing, Mireille | Gloucester | PR00003 |
| DeVisser, Peter | Hamilton | PR00062 |
| DeVries, Hilda and Jack | St. Thomas | PR00041 |
| DeVries, Irma and John | Harriston | PR00497 |
| DeVries, Rudy | Hamilton | PR00271 |
| Dibbits, Jane and Pete | Codrington | PR00275 |
| Dickson, Ed and Lee | Sudbury | PR00480 |
| Directors of Public Boards of Education in the Province of Ontario | Etobicoke | PR00243 |
| Donohue, Rosemary | Renfrew | PR00004 |
| Doornbos, Fred and Lonny | St. Catharines | PR00371 |
| Dufferin County Board of Education | Orangeville | PR00463 |
| Dufferin-Peel Roman Catholic Separate School Board | Mississauga | PR00201 |
| Duiker, B. | Barrie | PR00114 |
| Dunnville Christian School | Dunnville | PR00164 |

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|---|---|---|
| Durham Board of Education | Oshawa | PR00145 |
| Durham Christian Secondary School | Bowmanville | PR00088 |
| Durham Community School | Brooklin | PR00032 |
| Ebenezer Christian School | St. Thomas | PR00162 |
| École Le Goéland | Ottawa | PR00488 |
| Eden Christian College | Niagara-on-the-Lake | PR00417 |
| Eden, R. W. | Toronto | PR00448 |
| Eigenbrood, Cindy | Frankford | PR00139 |
| Eisner, Kathy | Killaloe | PR00454 |
| Elementary Leadership Association (Hastings County) | Belleville | PR00301 |
| Elgersma, George and Margaret | Guelph | PR00349 |
| Elgin County Board of Education | St. Thomas | PR00306<br>PR00438 |
| Elliott, Doug and Karen | Fonthill | PR00005 |
| Elmwood School | Ottawa | PR00231 |
| Elzinga, George | Jarvis | PR00274 |
| Emmanuel Christian Academy | Cottam | PR00259 |
| Emmanuel Christian High School (Board of Trustees) | Guelph | PR00148 |
| Essenburg, Larry | London | PR00362 |
| Etobicoke Home and School Council | Weston | PR00504 |
| Faith Community Christian School | London | PR00319 |
| Federation of Women Teachers' Associations of Ontario | Toronto | PR00157 |
| Federation of Women Teachers' Associations of Ontario (Hastings County) | Belleville | PR00301 |
| Fennema, Carol and John | Ancaster | PR00406 |
| Ferwerda, T. | Guelph | PR00071 |
| Fine, Arnold, Rabbi | Ottawa | PR00431 |
| Flynn, Kevin J. | Halton Hills | PR00364 |
| Force, Dora | Woodstock | PR00179 |
| Fox, Donald | Oshawa | PR00006 |
| Freedom Party of Ontario | London | PR00447 |
| Friedberg, J. Benjamin | Toronto | PR00133 |
| Friendship Baptist Church | Pickle Lake | PR00388 |
| Froebel Foundation | Mississauga | PR00207 |
| Frontenac County Board of Education | Kingston | PR00476 |
| Fruitland John Knox Memorial Christian School | Fruitland | PR00453 |
| Fundamental Baptist Preachers Fellowship | Simcoe | PR00299 |
| Geist, Terry | Don Mills | PR00229 |
| Georgetown District Christian School Board | Georgetown | PR00135 |
| Gerritsma, Sylvan E. | St. Catharines | PR00379 |
| Geurkink, Janny | Iroquois | PR00273 |
| Gill, Rena | Toronto | PR00513 |
| Ginou, Alex | Agincourt | PR00007 |
| Godley, Mhairi M. | Etobicoke | PR00511 |
| Goldstein, S. | Toronto | PR00086 |
| Goodhoofd, Herb | London | PR00129 |
| Goodman, William E. | Toronto | PR00281 |
| Gospel Outreach of Thunder Bay | Thunder Bay | PR00333 |
| Grace Christian Academy | Peterborough | PR00324 |
| Graham, J. M. | Ottawa | PR00008 |
| Graham, Norma | Kingston | PR00382 |
| Gray, Gordon | Brampton | PR00009 |
| Great Lakes Christian College | Beamsville | PR00115 |

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| Great Lakes College of Toronto<br>Toronto | PR00057 |
| Greidanus, Morris, N.<br>London | PR00010 |
| Grenville Christian College<br>Brockville | PR00249 |
| Grey County Board of Education<br>Markdale | PR00490 |
| Groenewegen, Harry<br>Hamilton | PR00151 |
| Grootenboer, J. P.<br>Bramalea | PR00267 |
| Guichelaar, Ann<br>Brantford | PR00146 |
| Guido de Brès Canadian Reformed Highschool Association<br>Hamilton | PR00412 |
| Guido de Brès High School (Staff)<br>Hamilton | PR00256 |
| Gunnink, Henry<br>Kanata | PR00380 |
| Guthrie, Pearl<br>Georgetown | PR00279 |
| Haggett, Barry and Jean<br>Addison | PR00346 |
| Halang, Fred and Nike<br>Ottawa | PR00128 |
| Haliburton County Board of Education<br>Haliburton | PR00186 |
| Halton Secondary Principals' Association<br>Burlington | PR00389 |
| Hamilton District Christian High School<br>Hamilton | PR00328 |
| Hamilton Hebrew Academy (Education Committee)<br>Hamilton | PR00263 |
| Hamilton-Wentworth Roman Catholic Separate School Board<br>Hamilton | PR00211 |
| Hanks, Margot<br>Kincardine | PR00296 |
| Harbers, M. and W.<br>Brinston | PR00184 |
| Hare, Elizabeth and W. L.<br>Avonmore | PR00134 |
| Hart, Joy<br>Hamilton | PR00401 |
| Hastings County Board of Education<br>Belleville | PR00301 |
| Heidinga, James<br>Trenton | PR00366 |
| Henderson, Thomas A.<br>Windsor | PR00182 |
| Hendry, W. J.<br>Pembroke | PR00011 |
| Henley, John A.<br>Brighton | PR00377 |
| Henneveld, H.<br>Bramalea | PR00070 |
| Heritage Christian School<br>Lindsay | PR00153 |
| Hoftyzer, A.<br>Frankford | PR00084 |
| Holland Marsh District Christian School<br>Newmarket | PR00058 |
| Howcroft, Lorne<br>Brampton | PR00466 |
| Hubert, Carol Lee<br>Grand Valley | PR00402 |
| Huebert, Victor<br>Ruthven | PR00012 |
| Humanist Association of Canada<br>Gloucester | PR00334 |
| Huron County Board of Education<br>Clinton | PR00421 |
| Jaeger, Martin<br>Scarborough | PR00280 |
| Jamieson, Richard<br>Nepean | PR00277 |
| Jarvis District Christian School<br>Jarvis | PR00165 |
| John Calvin Christian School (Board of Trustees)<br>Guelph | PR00132 |
| John Calvin School Society Inc.<br>Burlington | PR00289 |
| John Knox Christian School<br>Brampton | PR00331 |
| Johnson, Astley J. and Barbara C.<br>Downsview | PR00013 |
| Jones, Gordon<br>Guelph | PR00111 |
| Jones, Marilyn<br>Ottawa | PR00367 |
| Jonker, H.<br>St. Catharines | PR00177 |
| Jull, Peter<br>Ottawa | PR00014 |
| Kaiser, Alfred<br>Ottawa | PR00167 |
| Kalas, Judi<br>Stoney Creek | PR00500 |
| Kalil, Alfred G.<br>Ottawa | PR00495 |
| Kallio, Bryan<br>Ottawa | PR00082 |

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| Kamp, L. J. | |
| Guelph | PR00278 |
| Kanner, Susan | |
| Don Mills | PR00229 |
| Kent County Board of Education | |
| Chatham | PR00127 |
| Kent County Roman Catholic Separate School Board | |
| Chatham | PR00492 |
| Killaloe Alternative School | |
| Killaloe | PR00258 |
| King, Dawn | |
| Perth | PR00429 |
| Kirkland Lake Board of Education | |
| Kirkland Lake | PR00302 |
| Klomps, John G. | |
| Mississauga | PR00015 |
| Klooster, Ann and William | |
| Shakespeare | PR00131 |
| Kohai Educational Centre | |
| Toronto | PR00218 |
| Koning, Audrey and John | |
| Carrying Place | PR00373 |
| Koole, Paul and Prina | |
| St. Catharines | PR00016 |
| Koops, Ralph | |
| Cambridge | PR00119 |
| Kuipers, Diane | |
| Carrying Place | PR00042 |
| Kuipers, Henry | |
| Carrying Place | PR00043 |
| Lakeview Montessori School | |
| St. Clair Beach | PR00498 |
| Lakeview Presbyterian Church | |
| Thunder Bay | PR00337 |
| Lambton Christian High School | |
| Sarnia | PR00317 |
| Lambton County Board of Education | |
| Sarnia | PR00247 |
| Laroye, Anne and Guy | |
| Willowdale | PR00045 |
| Laurentian Hills Christian School | |
| Kitchener | PR00154 |
| League of Canadian Reformed School Societies | |
| Burlington | PR00176 |
| Leather, Goldie and John E. | |
| Guelph | PR00094 |
| LeBarr, Lois | |
| Orillia | PR00442 |
| Leeds and Grenville County Board of Education | PR00419 |
| Brockville | PR00465 |
| Lemstra, John | |
| Acton | PR00354 |
| Lennox and Addington County Board of Education | PR00158 |
| Napanee | PR00175 |
| Leo Baeck Day School | |
| Willowdale | PR00322 |
| Leonardo da Vinci Academy of Arts and Sciences | |
| Toronto | PR00251 |
| Lightstone, A. D. | |
| Don Mills | PR00229 |
| Lincoln County Board of Education | |
| St. Catharines | PR00159 |
| Lincoln County Roman Catholic Separate School Board | |
| St. Catharines | PR00140 |
| Linnell, Cameron and Jenny | |
| Woodstock | PR00046 |
| Living School | |
| Wilno | PR00384 |
| London and Middlesex County Roman Catholic Separate School Board | |
| London | PR00223 |
| London Community Hebrew Day School Cooperative Inc. (Board of Directors) | |
| London | PR00234 |
| London District Christian Secondary School (Board of Trustees) | |
| London | PR00323 |
| Lycée Claudel | |
| Ottawa | PR00329 |
| Maddoms, Nancy | |
| Ottawa | PR00345 |
| Manitoulin Board of Education | |
| Little Current | PR00468 |
| Manitouwadge Wildwood Baptist Church and Academy | |
| Manitouwadge | PR00116 |
| Mann, Walter | |
| Georgetown | PR00365 |
| Maranatha Christian School (Board of Trustees) | |
| Guelph | PR00148 |
| Martin, W. | |
| Sudbury | PR00482 |
| Matthews Hall | |
| London | PR00253 |
| Maurice Cody Family and School Association | |
| Toronto | PR00390 |
| McCallum, Donald | |
| Guelph | PR00193 |
| McGuinty, Dalton | |
| Ottawa | PR00395 |

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|---|---|---|
| McMullen, Deborah | Ottawa | PR00460 |
| Meipoom, K. | Toronto | PR00358 |
| Mercer, Brenda | Glanworth | PR00433 |
| Metropolitan Separate School Board | Willowdale | PR00305 |
| Metropolitan Toronto School Board | Willowdale | PR00446 |
| Michipicoten Board of Education | Wawa | PR00464 |
| Mida, Carrie | Don Mills | PR00229 |
| Mida, Israel | Don Mills | PR00229 |
| Mihorean, Philip F. | Markham | PR00106 |
| Milliquet, D. | Nepean | PR00047 |
| Montessori School of Cambridge | Cambridge | PR00326 |
| Moraal, Koop | Ilderton | PR00399 |
| Murray, John and Marlene | Pickering | PR00017 |
| Muskoka Association for Christian Education | Utterson | PR00036 |
| Muskoka Board of Education | Bracebridge | PR00308<br>PR00473 |
| Nederveen, G. | Brampton | PR00152 |
| Nelson, J. F. | Ottawa | PR00112 |
| Ner Israel Yeshiva College of Toronto | Willowdale | PR00241 |
| Netivat Hatorah Day School | Toronto | PR00200 |
| Network Canada | Toronto | PR00339 |
| New Life in Christ Fellowship | Greensville | PR00342 |
| New Testament Baptist Church | Hamilton | PR00430 |
| Newman, Zale | North York | PR00212 |
| Newmarket Montessori School (Parent Board) | Newmarket | PR00194 |
| Niagara South Board of Education | Welland | PR00125 |
| Nicholson, Roger G. | Burlington | PR00018 |
| Nitkin, David | Toronto | PR00350 |
| Norfolk Board of Education | Simcoe | PR00493 |
| North Shore Board of Education | Elliot Lake | PR00160 |
| Northern Ontario School Trustees' Association | North Bay | PR00291 |
| Northumberland and Newcastle Board of Education | Cobourg | PR00441 |
| Nywening, Bill | Wyoming | PR00048 |
| Ocana, R. | Toronto | PR00514 |
| Ontario Alliance of Christian School Societies | Hamilton | PR00416 |
| Ontario Association for Children with Learning Disabilities | Toronto | PR00293 |
| Ontario Association of Alternative and Independent Schools | Toronto | PR00414 |
| Ontario Association of Education Administrative Officials | Toronto | PR00138 |
| Ontario Association of School Business Officials | Toronto | PR00282 |
| Ontario Catholic Secondary School Principals' Association | London | PR00037 |
| Ontario Catholic Supervisory Officers' Association | Brantford | PR00288 |
| Ontario Christian School Administrators' Association | Hamilton | PR00416 |
| Ontario Christian School Teachers' Association | Bramalea | PR00038<br>PR00392 |
| Ontario Conference of Catholic Bishops | Toronto | PR00208 |
| Ontario Conference of Mennonite Brethren Churches | Niagara-on-the-Lake | PR00417 |
| Ontario Cooperative Education Association | St. Catharines | PR00205 |
| Ontario English Catholic Teachers' Association | Toronto | PR00197 |
| Ontario Federation of Labour | Don Mills | PR00494 |

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| Ontario Jewish Association for Equity in Education | Willowdale | PR00199 |
| Ontario Public School Teachers' Federation | Toronto | PR00202 |
| Ontario Public School Teachers' Federation (Hastings County) | Belleville | PR00301 |
| Ontario Public School Trustees' Association | Toronto | PR00290 |
| Ontario Public Service Employees Union Local 137 | Windsor | PR00505 |
| Ontario School Counsellors' Association | Mississauga | PR00413 |
| Ontario Secondary School Teachers' Federation | Toronto | PR00209 |
| Ontario Secondary School Teachers' Federation, District 1 | Windsor | PR00285 |
| Ontario Secondary School Teachers' Federation, District 3 (Lambton County) | Sarnia | PR00396 |
| Ontario Secondary School Teachers' Federation, District 10 (Region of Peel) | Mississauga | PR00161 |
| Ontario Secondary School Teachers' Federation, District 11 (York Region) | Aurora | PR00161<br>PR00385 |
| Ontario Secondary School Teachers' Federation, District 19 | Belleville | PR00301 |
| Ontario Secondary School Teachers' Federation, District 23 (Grey County) | Meaford | PR00284 |
| Ontario Secondary School Teachers' Federation, District 26 | Ottawa | PR00387 |
| Ontario Secondary School Teachers' Federation, District 32 | Kirkland Lake | PR00386 |
| Ontario Separate School Trustees' Association | Willowdale | PR00503 |
| Ontario Seventh-Day Adventist Board of Education | Oshawa | PR00295 |
| Ontario Students' Alliance for Fair Funding | Ottawa | PR00491 |
| Ontario Teachers' Federation | Toronto | PR00203 |
| Ophek, Eli | Thornhill | PR00169 |
| Or Haemet Sephardic School | Toronto | PR00242 |
| Orangeville Christian School Society | Orangeville | PR00283 |
| Ord, Dennis | Etobicoke | PR00067 |
| Orillia Christian School | Orillia | PR00163 |
| Ormston, G. C. | Desbarats | PR00189 |
| Ottawa Anglican School Society (Bishop Hamilton School) | Ottawa | PR00123 |
| Ottawa Board of Education | Ottawa | PR00451 |
| Ottawa Christian School | Ottawa | PR00264 |
| Ottawa Montessori Schools | Ottawa | PR00330 |
| Ottawa Roman Catholic Separate School Board | Ottawa | PR00210 |
| Ottawa Talmud Torah Board | Ottawa | PR00196 |
| Ottawa Teaching and Learning Centre | Ottawa | PR00443 |
| Ottawa-valley Association for Educational Alternatives | Ottawa | PR00432 |
| Oxford County Board of Education | Woodstock | PR00246 |
| Peel Board of Education | Mississauga | PR00172<br>PR00303<br>PR00304 |
| Pembroke Christian School | Pembroke | PR00437 |
| Penney, David C. | Rexdale | PR00355 |
| Perth County Board of Education | Stratford | PR00227<br>PR00307 |
| Peterborough County Board of Education | Peterborough | PR00487 |
| Pfalzner, Paul | Ottawa | PR00512 |
| Phoenix School | Toronto | PR00142 |
| Pineview Mennonite School | Barwick | PR00315 |
| Pioneer Women Na'amat | Toronto | PR00061 |
| Pipher-Gerrior, Sheila M. | Angus | PR00019 |
| Poirier, Henry J. | St. Thomas | PR00351 |

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| Presbytery of the Lake-of-Woods<br>Atikokan | PR00300 |
| Prince Edward County Board of Education<br>Bloomfield | PR00477 |
| Principals' Association of Jewish Day<br>Schools of Toronto<br>Willowdale | PR00457 |
| Prins, George and Sylvia<br>Ridgeville | PR00353 |
| Public School Principals' Association for<br>the City of York<br>Toronto | PR00287 |
| Purvis, Jan<br>Oakville | PR00400 |
| Quinte Christian High School<br>Belleville | PR00252 |
| Radulescu, Dan<br>Bramalea | PR00455 |
| Rain, Sherrie<br>Brampton | PR00020 |
| Red Lake Christian School<br>Red Lake | PR00108 |
| Redeemer Christian High School<br>Ottawa | PR00264 |
| Regiopolis — Notre Dame Catholic Private<br>School (Administration Board)<br>Kingston | PR00059 |
| Rehoboth Christian School<br>Copetown | PR00100 |
| Rehoboth Christian School<br>Norwich | PR00166 |
| Reid, R. J.<br>Barrie | PR00021 |
| Reitsma, Jack<br>Guelph | PR00064 |
| Remedial Reading Centre<br>Toronto | PR00501 |
| Remedial Teaching Centre/Centre<br>d'Apprentissage<br>Sudbury | PR00483 |
| Renaissance/Ontario<br>Milton | PR00445 |
| Renfrew County Board of Education<br>Pembroke | PR00105 |
| Repka, Paul<br>Grand Valley | PR00402 |
| Reyneveld, Nicolaas<br>Tavistock | PR00072 |
| Ridley College<br>St. Catharines | PR00325 |
| Riepma, Clare<br>Georgetown | PR00085 |
| River Valley School<br>Lanark | PR00407 |
| Rivercrest Home and School Association<br>Rexdale | PR00268 |
| Rockway Mennonite School Association Inc.<br>Kitchener | PR00214 |
| Roos, Dick and Nellie<br>Brighton | PR00049 |
| Roslyn, Bernadine<br>Killaloe | PR00404 |
| Ross, Evelyn and Robin<br>Trenton | PR00117 |
| Roukema, Hilda E.<br>Brampton | PR00361 |
| Round, Bryan and Judy<br>Guelph | PR00122 |
| Rumph, Hilbert<br>Drayton | PR00357 |
| Saint John's School of Ontario<br>Claremont | PR00314 |
| Sarnia Christian School<br>Sarnia | PR00317 |
| Sault Ste. Marie Board of Education<br>Sault Ste. Marie | PR00244 |
| Scarborough Christian School<br>Milliken | PR00310 |
| Scarborough Home and School Council<br>Scarborough | PR00496 |
| Schuringa, Margaret<br>St. Catharines | PR00347 |
| Scogog Christian School Association<br>Port Perry | PR00126 |
| Scott, Peter<br>Elora | PR00022 |
| Seberras, Christine and Ron<br>Rexdale | PR00452 |
| Secondary Principals and Vice-Principals<br>(Hastings County)<br>Belleville | PR00301 |
| Secondary Teachers of Metropolitan Toronto<br>Toronto | PR00436 |
| Sheila Morrison Schools<br>Lefroy | PR00080 |
| Signer, Barry<br>Don Mills | PR00229 |
| Signer, Pesia<br>Don Mills | PR00229 |
| Silvercrest Christian School<br>(Board of Directors)<br>Wasaga Beach | PR00318 |
| Simcoe County Board of Education<br>Barrie | PR00174 |
| Skorecki, Karl L.<br>Toronto | PR00136 |
| Slopsema, H. R.<br>Newmarket | PR00050 |

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| Smith, Elizabeth<br>North York | PR00212 |
| Smithville District Christian High School<br>Smithville | PR00168<br>PR00422 |
| Smithville District Christian High School (Students)<br>Smithville | PR00130 |
| Smits, Jane<br>Trenton | PR00051 |
| Smouter, Ron<br>London | PR00440 |
| Snetsinger, J.A.<br>Kingston | PR00484 |
| Soberman, D. A.<br>Kingston | PR00023 |
| Sobolewski, Edward<br>Mississauga | PR00467 |
| South-Port Pentecostal Christian School<br>Southampton | PR00034 |
| St. Mary's College<br>Sault Ste. Marie | PR00033 |
| Stegenga, Jenny<br>Fenelon Falls | PR00068 |
| Stewart, J. I.<br>Dunnville | PR00502 |
| Stewart, Rouleen<br>London | PR00485 |
| Stouffville Christian School (Board of Directors)<br>Claremont | PR00470 |
| Stutz, Jeffery R.<br>Toronto | PR00066 |
| Summers, Mabel<br>Winchester | PR00183 |
| Suurdt, Alice<br>Frankford | PR00052 |
| Taylor, Millicent<br>Ottawa | PR00369 |
| Terry, B.D.<br>Janetville | PR00095 |
| The School House (Walker Avenue School)<br>Toronto | PR00423 |
| Theilheimer, Ish<br>Killaloe | PR00454 |
| Thunder Bay Christian School<br>Thunder Bay | PR00155 |
| Tillema, Ken<br>Chatham | PR00024 |
| Timiskaming Board of Education<br>New Liskeard | PR00195 |
| Timmins Board of Education<br>Timmins | PR00458 |
| Timothy Christian School Association of Toronto<br>Rexdale | PR00217 |
| Timothy Christian School (Board of Directors)<br>Barrie | PR00424 |
| Timothy Christian School<br>Owen Sound | PR00060<br>PR00489 |
| Timothy Christian School<br>Williamsburg | PR00254 |
| Timothy Canadian Reformed School Society of Hamilton<br>Hamilton | PR00286 |
| Toronto Central Christian School<br>Toronto | PR00215 |
| Toronto Chinese Community Church<br>Scarborough | PR00394 |
| Toronto District Christian High School<br>Toronto | PR00309 |
| Toronto French School<br>Toronto | PR00219 |
| Toronto Waldorf School<br>Toronto | PR00240 |
| Trenton Christian School<br>Trenton | PR00099 |
| Triemstra, Joanne<br>Trenton | PR00053 |
| Trinity College School<br>Port Hope | PR00261 |
| Tyrer, Donna A. and Paul<br>Frankford | PR00097 |
| Ubriaco, Rita<br>Thunder Bay | PR00507 |
| Ulpanat Orot Girls' School<br>Downsview | PR00236 |
| Unemployment Help Centre<br>Kingston | PR00506 |
| Orton Pastoral Charge<br>(United Church of Canada)<br>Belwood | PR00479 |
| United Mennonite Educational Institute<br>Leamington | PR00257 |
| United Synagogue Day School<br>Willowdale | PR00141<br>PR00320 |
| Upper Canada College<br>Toronto | PR00462 |
| Urquhart, Germaine M.<br>Thornhill | PR00025 |
| van Arragon, Hennie and J.<br>Hamilton | PR00187 |
| van Arragon, Jack and Laura<br>Atikokan | PR00363 |
| van der Zweep, Bernard and Theresa<br>Morrisburg | PR00359 |

| | | |
|---|---|---|
| Van Egmond, John | Acton | PR00343 |
| Van Gilst, Jack | Finch | PR00270 |
| Vanberkel, John | Carrying Place | PR00054 |
| Vanden Berg, Ada and Richard | Waterloo | PR00344 |
| VandenHazel, Bessel J. | North Bay | PR00026 |
| Vanderhoek, John | Burlington | PR00461 |
| VanderMeuler, C. and J. | Trenton | PR00055 |
| VanderWier, Dave and Tina | Wellandport | PR00121 |
| VanderWindt, Harry A., Rev. and Henny | Dunnville | PR00104 |
| VanDyke, Dick | Bramalea | PR00403 |
| VanGeest, Adrian, Rev. | Grimsby | PR00078 |
| VanHuizen, J. | Trenton | PR00056 |
| Veenstra, Ted and Tina | St. Catharines | PR00093 |
| Veld, Gerrit and Rosina | Welland | PR00083<br>PR00098 |
| Veldhoen, Gord | Trenton | PR00360 |
| Venta Preparatory School | Carp | PR00109 |
| Verhulst, Adrian | Guelph | PR00091 |
| Vermeer, Christine and John | Hamilton | PR00103 |
| Vezeau, Lee | Ottawa | PR00082 |
| Victoria County Board of Education | Lindsay | PR00027 |
| Voskamp, John | Trenton | PR00356 |
| Wan, Daniel and Bonnie | Toronto | PR00372 |
| Waese, Mae | North York | PR00212 |
| Waterloo County Board of Education | Waterloo | PR00222 |
| Waterloo County Board of Education (Consultants) | Kitchener | PR00478 |
| Waterloo County Roman Catholic Separate School Board | Kitchener | PR00149 |
| Welland County Roman Catholic Separate School Board | Welland | PR00420 |
| Wellandport Christian School Board | Wellandport | PR00120 |
| Wellington County Board of Education | Guelph | PR00226 |
| Wellington County Roman Catholic Separate School Board | Guelph | PR00245 |
| Wentworth County Board of Education | Ancaster | PR00224 |
| West, Edwin G. | Ottawa | PR00378 |
| West Island College | Ottawa | PR00266 |
| Westerhof, Helen and Leo | Hillier | PR00124 |
| Wiersma, J. | Whitby | PR00090 |
| Wilcoxen, Marilyn K. | Toronto | PR00434 |
| Wilkins, Karen | Thornhill | PR00381 |
| William Hands Secondary School | Windsor | PR00044 |
| Williams, John W. | Chatham | PR00474 |
| Windsor Board of Education | Windsor | PR00191 |
| Winston School | Toronto | PR00262 |
| Woodland Christian High School | Breslau | PR00260 |
| Yeshivat Bnei Akiva Or Chaim School | Downsview | PR00235 |
| York Region Board of Education | Aurora | PR00190 |
| Young, Errol | North York | PR00147 |
| Young, Mabel | Hamilton | PR00272 |
| Young, Marlene | Kitchener | PR00188 |
| Zandbergen, John | Brinston | PR00143 |
| Zegerius, Hans | Guelph | PR00170 |
| Zuker, Richard C. | Nepean | PR00173 |

## Appendix L

# COMMISSION ON PRIVATE SCHOOLS: MEETINGS TO DISCUSS SPECIFIC BRIEFS

March 4, 1985
BOARD OF EDUCATION FOR THE CITY OF TORONTO:
P. Moss

January 30, 1985
CITIZENS FOR PUBLIC JUSTICE:
G. Vandezande, P. Marshall

December 5, 1984
CONFERENCE OF INDEPENDENT SCHOOLS:
P. Harris, N. Pinnington, J. Tansey,
A. Troubetzkoy, G. Wilson, C. Beer,
D. Cameron, T. Macoun, J. Stevenson,
A. Tottenham, B. Wansbrough, T. Symons,
A. Scott

April 9, 1985
CONSORTIUM OF ONTARIO PUBLIC ALTERNATIVE SCHOOLS:
E. Bergey, E. Gurka, S. Tracy, B. Duncan

April 24, 1985
COUNCIL FOR EXCEPTIONAL CHILDREN:
J. Youngston, M. McLeod, W. Tompkins,
M. Scott, P. Beveridge

February 4, 1985
DIRECTORS OF PUBLIC BOARDS OF EDUCATION:
S. Sauro, W. Townsend

March 4, 1985
FEDERATION OF WOMEN TEACHERS' ASSOCIATION OF ONTARIO:
F. Henderson, J. Milovanovic, E. Parker

March 25, 1985
INDIVIDUALS:
P. Davis

March 26, 1985
METROPOLITAN TORONTO SCHOOL BOARD:
P. Moss, J. Tolton, C. Olsen, C. Brown

February 4, 1985
ONTARIO ALLIANCE OF CHRISTIAN SCHOOLS:
J. Brouwer, W. Uggens, A. Batelaan,
R. Kranendonk, H. Ojkshovin, T. Feuwerda,
A. Guldemond

January 7, 1985
ONTARIO ASSOCIATION OF ALTERNATIVE AND INDEPENDENT SCHOOLS:
L. McBurney, A. Hordyk, R. Stewart,
M. Shipman, G. Queen, H. Vandezande

February 4, 1985
ONTARIO ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES:
A. Nichols, D. Warren

December 19, 1984
ONTARIO ASSOCIATION OF EDUCATIONAL ADMINISTRATIVE OFFICIALS:
B. Campbell, J. Boich

March 4, 1985
ONTARIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS:
R. Desjardin, S. Freeman

January 24, 1985
ONTARIO CONFERENCE OF CATHOLIC BISHOPS:
L. Dupuis, J. Doyle, R. Durocher, A. McDougall

February 18, 1985
ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION:
J. Fauteaux, R. Cavanagh

January 30, 1985
ONTARIO JEWISH ASSOCIATION FOR EQUITY IN EDUCATION:
M. Segal, I. Witty, B. Farber

February 7, 1985
ONTARIO SCHOOL COUNSELLORS' ASSOCIATION:
N. McCracken

February 4, 1985
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION:
R. Beckford, M. Buchanan

January 24, 1985
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION – DISTRICT 10:
D. Mason, R. Garthson, D. Hughes

February 21, 1985
ONTARIO STUDENTS' ALLIANCE FOR FULL FUNDING:
R. Chiarelli, L. Fiala, K. Murphy, P. MacDonald,
D. Chiarelli, P. Levesque

February 4, 1985
ONTARIO TEACHERS' FEDERATION:
J. Milanovic, M. Wilson, T. Wescott

April 18, 1985
REMEDIAL READING CENTRE:
A. Steinberg, M. Steinberg

Appendix M

# SAMPLE ALTERNATIVE SCHOOL POLICIES

**The Board of Education for the City of Toronto**
**ALTERNATIVE SCHOOLS, A GENERAL POLICY**

**The Board of Education for the Borough of York**
**CRITERIA FOR ALTERNATIVE SCHOOL PROGRAMS**

**Ottawa Board of Education**
**ALTERNATIVE SCHOOL POLICY**

EXCEPT FOR MINOR EDITING ALTERATIONS, THE ALTERNATE SCHOOL POLICIES HAVE BEEN REPRODUCED AS RECEIVED BY THE COMMISSION

## The Board of Education for the City of Toronto
## ALTERNATIVE SCHOOLS,
## A GENERAL POLICY

## CONTENTS

Page

I Introduction .......... 245

II Establishing A New Alternative School .......... 246

III Space .......... 247

IV Admission Procedures .......... 249

V Staffing .......... 250

VI Establishment Grants .......... 251

VII Curriculum and Program .......... 252

VIII The Alternative Schools' Advisory Council .......... 253

IX Administration of Alternative Schools .......... 254
  (A) The Toronto Experience .......... 254
  (B) Issues .......... 254
  (C) Conclusions .......... 256
  (D) Administration of Elementary Alternative Schools .......... 257
  (B) Administration of Secondary Alternative Schools .......... 258
  (C) Administrative Review Procedure .......... 258

X Appendices .......... 259
  (A) Elementary Alternative Schools .......... 259
  (B) Secondary Alternative Schools .......... 260
  (C) Alternative & Community Programs Department .......... 261
  (D) Secondment of a Secondary Principal .......... 261

# I INTRODUCTION

As of September 1982 there are ten elementary and nine secondary alternative schools within the Toronto Board of Education. While the expansion and popularity of alternative schools has grown dramatically throughout North America, the Toronto Board remains a leader in both the number of schools and the variety of programs.

Allen Graubard, in an article "The Free School Movement" in the *Harvard Education Review*, distinguishes among four types of alternative schools.

1. The classical free school based on the Summerhill model.
2. The parent-teacher co-operative elementary school populated largely by young, white, liberal middle-class families and characterized by a significant amount of parental input into the decision-making process.
3. The free high school — actually a broad category including white, working class high schools for "drop outs" and "push outs", street academies for poor minority youth and small high schools for relatively radical white students of average or above means.
4. Community elementary schools controlled by dissatisfied, usually minority parent groups, and characterized by a somewhat conservative curriculum.[1]

It is significant that Toronto has or has had alternative schools which fit into all four categories of Graubard's typology. As a result, alternatives have been able to meet the needs of a wide variety of students.

Parents and students can choose the type of program they believe is best for them. The Toronto Board appears to be unique in having a policy which permits parents, students and teachers to approach the Board for support in establishing new alternatives and in participating in all decisions regarding the operation of the schools, including such vital areas as budget and staffing.

Another trend which is appearing in elementary alternative schools throughout North America is a day care component within the school. Again, the Toronto Board is unique in taking the initiative to have day care within most of the elementary alternatives as well as in many regular schools.

Although Toronto's alternatives have received widespread acclaim, there are nevertheless many issues which cause difficulty and frustration for all those involved on a day-to-day basis.

While at times the larger community may perceive alternatives as "getting more" from the Board than regular schools, the alternative communities often feel that they receive less. This is particularly true in the case of new alternatives trying to find a "welcome space" in which to be housed or in trying to obtain necessary equipment, furniture, and supplies as well as proper facilities such as washrooms or gymnasiums. Even after they have been operating for many years, alternatives live with the continual threat of having to re-locate; an idea which can be demoralizing to a small school of 50 students.

Finally, alternative schools and their communities are fearful of any move towards centralization. The success of Toronto's alternatives has been largely based on the idea that each is unique and exists in order to meet the special needs of particular students. While it is necessary in writing a general policy to make recommendations which will help them to operate, to view all alternatives as the same and thereby centralize their function, is to ultimately defeat their purpose.

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[1] Allen Graubard, "The Free School Movement," *Harvard Educational Review*, Vol. 42. No. 8, August 1972, pp. 364-368.

# II ESTABLISHING A NEW ALTERNATIVE SCHOOL

Under the previous General Policy for Alternative Schools, the procedure entitled *How to Start an Alternative School* has generally worked well. The information is easily accessible to the public since it is contained in the Alternative Schools' Kit. Such groups usually have informal discussions with the Co-ordinator of the Alternative and Community Programs Department before deciding to proceed with a formal proposal. However, between the date when the letter of intent is put on the agenda of the Alternative and Community Programs Committee and when the final proposal must be acted upon by the Board, an extensive process of consultation must take place. It is during this period that a group must prepare their submission to the Board, with the assistance of the Co-ordinator. Sometimes consultation with other staff in the Curriculum and Program Division takes place. Frequently the initial small group must expand to ensure that there is a large enough constituency to support such a venture and to generate enrolment. This is done through community meetings where a consensus must be reached about the kind of new alternative which will emerge.

A longer period of time would ensure that all the necessary community meetings and consultation about program could take place before the proposal is written. The result would hopefully be a more substantive submission to the Board by a larger, more committed group.

[illegible]

[illegible]

# III SPACE

When appropriate space for an alternative school is sought, there are many issues to be considered beyond the quality of that particular space. Some of the questions which must be addressed in any policy decisions about space are: who makes the decisions about where the space is located; what consultation has to take place; what kind of priority do alternative schools have; what facilities must be shared; and how do two schools with differing philosophies live with those differences?

Ideally, an alternative school's program should determine the nature of the space in which it is located. For example, a re-entry program for secondary students may be accommodated more suitably in an elementary school than in a large secondary school while an unstructured elementary alternative may be more suitably located in a secondary school. A program which uses community resources extensively would best be located in a non-residential area.

When appropriate space for a new alternative is initially sought, it is important that the staff and community understand the implications of the Board's policy on alternative schools. Frequently, there are misconceptions that alternatives are getting extra benefits which regular schools do not receive. There are concerns not only about losing space to the alternatives, but also facilities and administrative time. Sometimes there is a fear that an alternative with students at similar grade level will drain the regular school's enrolment, and that in fact the existence of the alternative is an implicit criticism of the regular school program. Alternative school communities often feel that they are shunted from school to school like unwanted tenants. They therefore reject the term "host school" with all the implications which surround its use. When two schools are housed in the same Board building, then surely a more appropriate term would be "shared school" or "shared facility".

Many of these problems can be alleviated through meetings between the two to work out differences. Visits to schools and discussions with staff and parents in other shared schools have proved useful. Often a regular school community which is undergoing declining enrolment begins to see that there are advantages to having an alternative located in their school.

While community meetings and visits are to be encouraged, it is essential that it is recognized that the final decision of what constitutes appropriate space is made administratively and that such a decision recognizes the legitimate needs of both school communities. Furthermore, alternative schools offering full time instructional programs have the same priority as other Board academic programs (French, Special Education) and take priority over non-instructional programs.

No hard and fast rules can be made as to which kinds of schools will be able to share space successfully, and which will not. There are many examples where a sensitive administration, staff and community groups have been able to work co-operatively to the advantage of both schools. Yard duties are shared, clerical staff work together, secondary students help in elementary classes; active parents have been able to start a new program such as day care or music which may be used by both schools. In these schools there is no mention of "we" and "they" or "hosts" and "tenants", but rather they are two schools located in one building, meeting their own individual needs and mutually supporting each other.

**Policy**

1. That wherever possible, the nature of the alternative school should be the determining factor in deciding on a location for the alternative school.
2. That every effort be made to find appropriate space on Board premises. (Continuation of 1977 policy)
3. That it be the responsibility of the appropriate Area Superintendent and the Assistant Superintendent of Alternative and Community Programs to find suitable space for a new (or relocating or reorganizing) alternative school, with due consideration being given to:
   a) the fact that alternative schools are academic programs and therefore the Board has a responsibility to consider their space needs before considering the needs of a wide variety of non-academic users.
   b) the space requirements of day care programs that are [illegible] the Co-ordinator of Alternative and Community Programs [illegible] space should be reserved for this need.
4. That [illegible] has been reviewed by a Space [illegible] Committee.
   a) That the Space Review Committee [illegible]

# IV ADMISSION PROCEDURES

Each alternative school is tailored to meet the particular needs of the students who attend. No two alternatives are alike; each has its own separate identity and its own approach to curriculum and program. There are independent study programs for students who are re-entering school, structured and unstructured programs and programs which expect a high level of commitment to the running of the school by students and/or parents. Each school is unique and each serves the needs of a particular student clientele.

As a result, staffs of alternative schools must spend a great deal of time in formal and informal discussions with prospective students and parents. In the elementary alternatives a visit to the school and an interview with parents is usually sufficient for the student to be enrolled, or at least placed on a waiting list.

At the secondary level procedures vary considerably from school to school. Some students are enrolled immediately following an interview. Two secondary alternatives require students to have a probationary period of three weeks; another requires 20 hours of attendance. If the student attends regularly and is punctual, formal enrolment takes place.

Another secondary alternative requires prospective students to meet with a school committee composed of a teacher, parent and student to discuss academic expectation and the kind of school commitment the student is prepared to make. If the committee recommends accepting the student, a contract is signed in which she/he promises to fulfil those expectations. If the student is not successful in the probationary period, she/he may re-apply after waiting three weeks.

If a student is not recommended by the committee, she/he may request a different interview team. Still failing to be admitted, students may appeal to the principal, Area Superintendents, Ward Trustees, or to the Alternative and Community Programs Committee.

Since many of the schools have waiting lists, application dates are kept so that students are admitted on a first-come, first-serve basis. Files are also kept of students who have registered for the probationary period. In the case of students being turned down by a school admissions committee, it is essential that documentation take place.

In the past, there have been few instances of students being refused admission. Because of the amount of time school staffs spend in interviews and counselling sessions, a self-selecting process tends to take place. Often, if a student is counselled that the placement may not be appropriate, they are still allowed to enrol; with the staff hoping to be proved wrong.

Alternative schools are under increasing pressure from social service agencies to take students who have had difficulty or have dropped out of regular school. The probationary period used at some alternative schools is essentially a way for a student who is re-entering to demonstrate her/his commitment to this school, particularly in terms of attendance. Because the schools tend to be small and less impersonal than regular schools, many students adapt well. On the other hand, because of their size, alternative schools face the danger of having to absorb too many "difficult" students too quickly.

[illegible]

# V STAFFING

Alternative schools attract a certain kind of teacher — one who enjoys parent involvement both in the classroom and in decisions involving the program; who feels comfortable with more decision-making by students and/or parents than is often possible in a regular school; who likes working in a decentralized administrative structure but is prepared to spend extra hours doing the work that this requires. While this provides a different kind of experience for teachers at a time when there is decreasing mobility in the system, it is not an opportunity that is appropriate for all. In fact, both in research and in the general literature on alternative schools, one finds agreement that it is critical to the successful operation of such programs that staff are chosen wisely and that they are committed to the goals of individual alternative schools.

It is also recognized that placement of surplus teachers may, in some instances, create difficulties for alternative schools. When a teacher who would otherwise not choose this environment is placed in an alternative, it often causes distress; not only to the teacher, but also to the other staff, parents, students and administration.

Given the complexity of collective agreements, there appear to be no easy solutions. In the elementary collective agreement, the current transfer procedure allows teachers on the transfer list to have a "shopping around" period. This enables principals to interview teachers who might be interested in an alternative school. However, this is not the case with the secondary panel. Both federations have agreed to provide a space on the transfer request form for teachers interested in alternative schools.

Many teachers within the system know very little about alternative schools or have never considered the possibility of working in one. An Alternative Conference would provide such an opportunity. If the Alternative and Community Programs Department were responsible for organizing such a conference in late winter, interested teachers might subsequently apply for a transfer to an alternative school.

[illegible]

1. [illegible]
2. [illegible]
3. [illegible] an interest in teaching in an alternative school.
4. That the list of teachers, elementary and secondary, who have applied for transfer to alternative schools, be made available to the Alternatives Advisory Council.
5. That principals and Area Superintendents be requested [illegible] teachers indicating an interest in teaching in an alternative setting [illegible] some of these schools.
6. That teachers transferring to or assigned to alternative schools be given up to three days release time to meet with the school community [illegible]
7. That in the case of an administrative transfer, every effort be made to place in alternative schools teachers who are interested and suitable for such placement, and that placements be made in accordance with [illegible] established by each school community and submitted to the [illegible]
8. That the Alternative and Community [illegible]
9. That the Director of Education [illegible]

---

*1 — 6.9 teachers — .5 clericals
7.0 — 13.9 teachers — 1.0 clericals
14 + teachers — 70 clericals per 1000 teachers

# VI ESTABLISHMENT GRANTS

The current practice regarding start-up grants for new alternatives has been for the Alternative and Community Programs Department to be responsible for providing such funds from its current budget, the amount given to each depending on the number of schools starting that year (amounts often vary from $7,000 to $14,000). New alternatives have submitted orders for furniture, equipment and supplies to the Alternative and Community Programs Department. After these have been approved by the Department, funds have been transferred to the Area Office. The process has been, to some extent, inequitable and arbitrary since the grants have not been so much based on the size and needs of the school as on the number of schools requiring start-up funds. It is also a circuitous process since orders are sent to the Alternative and Community Programs Department for costing and approval, and then returned to the Area Office for processing after the funds have been transferred. This report will recommend a budgeting procedure that will result in a budget proposal, under specific guidelines, being part of the final proposal of any new alternative school that must be passed by the Board prior to March 15. Such a budget would be based on the following guidelines.

Furniture/equipment — to be established on a classroom basis
Supplies/texts — based on enrolment
Renovations — office area, teaching areas, playgrounds, etc. to be determined after consultation with the Buildings Division.
Telephones — to be based on needs over and above what can be shared with the regular school.
Library funds — to be established by the Library Department and transferred to the Area Office.

Assistance in ordering furniture, equipment and supplies can better be provided by staff in the Curriculum and Program Division. Often subject departments are able to help new alternatives find appliances and equipment which are not in use in other schools.

In addition, a sub-committee of the Alternative Schools Advisory Council is prepared to meet with new alternatives to provide assistance, based on their experiences.

# VII CURRICULUM AND PROGRAM

Most alternative schools attract staff, parents and students who share a philosophy which emphasizes a decentralized administrative structure and an innovative curriculum.

The latter is often achieved in good part due to the small size of the school, the number of parents and community people involved, and the flexibility of timetables. Additional adults in an elementary classroom make it possible for teachers to take more field trips, have a variety of small interest groups and do more individualized teaching. Internship, co-operative education credits and partial credits are more easily achieved with the flexibility of timetables in secondary alternatives. Independent study programs enable students who have special talents or interests (music, sports, art, etc.) to spend long hours practicing while still obtaining school credits.

The growing interest in alternative schools is reflected in courses at the graduate and undergraduate level and in the number of visitors to Toronto alternatives.

One of the questions which is often asked concerns comparing achievement between students in regular schools and students in alternatives. There are however many other areas where research on alternatives could be done.

American studies on alternative schools have included research on such topics as (1) school size (2) teacher attitudes (3) student success (4) enhancement of self-concept (5) student decision-making (6) alternatives as a means of reducing vandalism, as well as (7) evaluation data on cognitive development. The number and variety of Toronto alternatives, and the fact that a student may now go from kindergarten to grade 13 in alternative schools would provide a basis for such research projects.

[illegible]

# VIII THE ALTERNATIVE SCHOOLS' ADVISORY COUNCIL

The Alternative Schools' Advisory Council composed of staff, students and parents from each alternative school met every week from April 23 to June 16 to discuss issues which would be addressed in this report. In the course of providing valuable input, the members of the group found that these meetings provided an opportunity for information sharing and mutual support. The desire to continue the meetings, and to focus more attention on curriculum, was strongly expressed.

[redacted]

# IX ADMINISTRATION OF ALTERNATIVE SCHOOLS

## A. The Toronto Experience

Toronto's first alternative day school was S.E.E.D. (Shared Experience, Exploration and Discovery), established as a secondary school within the system in September 1971. S.E.E.D. was quickly followed by two very different elementary alternatives — ALPHA and LANEWAY, and by CONTACT Secondary School. All three stressed the importance of the individual over the impersonal nature of the organization. Therefore, decision-making must involve everyone: in elementary schools — staff, parents and students; in secondary schools — primarily staff and students. In many elementary alternatives, a Parent Board formulates general policy which is implemented by sympathetic, professional teachers. Certainly, the establishment of Toronto's alternative schools has been supportive of a basic Ministry and Board policy thrust during the 1970's — increasing parent and community involvement in public education.

In their proposals to the Board, each of the Board's first four alternative schools outlined patterns of internal decision-making and administrative authority which contrasted sharply with the administrative structure operating in regular schools. All emphasized a predilection for managing on their own with little reference to Board administrators. At S.E.E.D., the Superintendent of Secondary Schools was officially designated as principal. The Board solicitor stated that this procedure was only followed because the program was housed in rented accommodation and that when it moved into a school, it should come under the jurisdiction of a principal. At ALPHA, basic policies were to be set in weekly meetings of the whole community. The governing body was a staff-community council. The group did not want a principal to be appointed but later agreed to such an appointment as long as they were involved in the process.

LANEWAY also resisted such an appointment. CONTACT asked that direct contact with the Board be through the Director or through a superintendent designated by him/her.

## B. Issues

The Toronto experience outlines the problems of governance in alternative schools. It would seem that five questions must be addressed in looking at a solution to these difficulties.

1. What are the responsibilities of a principal of an alternative school?
2. Can a Board of Education delegate to a parent board or to a school staff the responsibilities of a school principal?
3. Can a supervisory officer fulfill the role of school principal?
4. What is the present situation in the governance of alternative schools?
5. In light of all the above, what form of governance is most appropriate for Toronto's alternative schools?

### *QUESTION 1 Responsibilities of a principal of an alternative school*

On reading the relevant sections of the Education Act — 1974 and Ontario Regulation 704, one soon appreciates that the school principal is the fulcrum used by both the Ministry of Education and Boards of Education to ensure compliance with their respective policies and to facilitate accountability to parents and students.

Many would consider some of these responsibilities to be superfluous, others to be providential. However, to the majority of parents, the principal continues to hold a position of importance within each school community.

What follows is an outline of some of the specific responsibilities of the school principal as found in the Act and Regulations.

1. The appointment of a principal is not discretionary.

> Every Board shall appoint for each school that it operates a principal . . . who shall be qualified according to this Act and the Regulations.
>
> The Act — 146 (11) p. 134

2. The minimum responsibilities of a principal are not negotiable; they are those set out in the Act and Regulations. In addition, there are those assigned by the employing Board of Education and individual school communities.

> A principal means a teacher appointed by a Board to perform the duties of a principal under this Act and the Regulations.
>
> The Act — 1. — (1)39. p.5

3. The longest list of responsibilities for a principal are the list of duties outlined for teachers, all of which apply to the principal.

> It is the duty of a principal of a school, in addition to his duties as a teacher...
>
> The Act — 230 p. 205

4. Today, for many parents, the management responsibility is of particular importance.

> To maintain proper order and discipline in the school.
>
> The Act — 230(a) p. 205
> Regulation 704, 12.(1); (2) (n)

5. The co-ordinating function, particularly in relation to the volume of new curriculum initiatives in the last couple of years, is important.

> To develop co-operation and co-ordination of effort among the members of the staff of the school.
>
> The Act — 230.(b) p. 205

6. Regular attendance is a matter of concern in both alternative and regular schools.

> To register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister.
>
> The Act — 230.(c) p. 205

7. Both parents and the Board are increasingly concerned that adequate records be kept on all students and that they be handled correctly.
   The Act — 230.(d) p. 206

8. The principal, in consultation with the staff, is responsible for the organization and timetabling of all classes and for ensuring that courses of study are followed.
   The Act — 230.(e) p. 206

9. The principal is responsible for carrying out the Board and Ministry policies on evaluation and reporting of pupil progress.
   The Act — 230.(f) p. 206

10. The principal has the final responsibility for promoting students to appropriate programs and levels.
    The Act — 230.(g) p. 206

11. The principal is responsible for the preparation of all reports requested by the Board and the Ministry.
    The Act — 230.(i) p. 206

12. In 1980-81 two activities relate particularly to this item; the Ministry review of curriculum implementation in the Board's schools and the Board's Performance Review Policy.

> Supervise the instruction in the school and advise and assist any teacher, in co-operation with the teacher in charge of the organizational unit or program in which the teacher teaches.
>
> Regulation 704, 12.(2) (a)

13. From a safety concern, the principal is responsible for ensuring that students are adequately supervised both at school and during field trip activities.

> Make provision for adequate supervision . . .
>
> Regulation 704, 12.(2) (h)

14. The evaluation of staff under the Board's present principal-of-record practice is a most perplexing and time consuming responsibility.

> Report to his Board in writing, on its request, on the effectiveness of members of the teaching staff.
>
> Regulation 704, 12.(2) (k)

15. Obviously teachers in alternative schools deserve the same opportunities for promotion as do those in regular schools. The recommendation of a principal-of-record, particularly if it comes from an off-site administrator, carries less weight than that of a regular principal in support of a teacher, regardless of the degree of excellence of the candidate.

> Recommend to his Board:
>
> (i) the appointment and promotion of teachers,
>
> (ii) the demotion or dismissal of a teacher whose work or attitude is unsatisfactory, but only after warning the teacher in writing, giving his assistance and allowing a reasonable time to improve.
>
> Regulation 704, 12.(2) (l)

16. The principal is responsible for seeing that teachers are provided with the learning material they require.

> Submit to his Board an annual budget for supplies and equipment.
>
> Regulation 704, 12.(2) (m)

17. The principal is responsible for developing good relationships with those who live and work in the school's immediate community.

> Promote and maintain close co-operation with the residents and, where applicable, the industry and business of the community.
>
> Regulation 704, 12.(2) (q)

18. The principal is responsible for ensuring the correct use of psychological tests.
    Regulation 704, 12.(2) (s)

***QUESTION 2 Can a Board of Education delegate to a parent board or a school staff a principal's responsibilities?***

In March 1972 the Board's Finance Committee asked the solicitor to report on the statutory obligations of the Board of Education in connection with the governance of alternative schools. His report stated that:

> "a board may not make grants to or otherwise support schools which are not under its jurisdiction or charge and that a school under the charge of a board must be operated in accordance with the school acts including the regulations made by the Minister. A board may not delegate to committees comprising parents, teachers and others the responsibility for the selection of staff and for the establishment of policy."

Related to this question is item 146(11) from The Education Act, 1974, which requires that a principal be appointed for each Board school.

***QUESTION 3 Can a supervisory officer fulfill the responsibilities of a school principal?***

In a letter dated January 28, 1977, L.E. Maki, Regional Director of Education, informed Duncan Green that the September School Reports of CONTACT and S.E.E.D. were in contravention of the Education Act. On June 13, 1980, a subsequent letter from John W. Storey stated:

> "that the appointment of a Supervisory Officer as principal of an Alternative School contravenes section 250 (4) of The Education Act, 1974."
>
> Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other office, have any other employment or follow any other profession or calling, during his tenure as a supervisory officer.
>
> The Education Act, 1974 — 250.(4) p. 217

### *QUESTION 4 What is the present situation in the governance of alternative schools?*

For a variety of reasons, most of the Board's alternative schools have preferred an arm's-length relationship with the system establishment.

One way of accomplishing this was the coining of a new administrative title, principal-of-record. One suspects that a person given this title was to be principal in name only and to be available to perform such responsibilities as signing requisitions and reports. In practice, the involvement of the principal-of-record has varied greatly from school to school.

Question two gives a legal answer to the use of supervisory officers as principals of alternative schools. This is supported by practical as well as political considerations. Practically, superintendents continue to experience the frustrations of not being able to spend sufficient time in schools monitoring curriculum and policy implementation and staff development. At least one school superintendent made more visits between January and June to one of his alternative schools than to any one of his 'regular' schools. June, 1982 was probably the most hectic June, as far as staffing is concerned, that the Area offices have experienced. In spite of this, one school superintendent spent 12.5 days in June monitoring the secondary transfer meetings because he was a principal-of-record. During those 12.5 days, he was unavailable to either the schools for which he was responsible or to the Area Office.

In six of the Board's nine elementary alternatives, the principal-of-record is the principal of the shared facility and at the other three, they were selected and appointed by the Area Superintendent. In five of the eight secondary alternatives, the principal is a supervisory officer.

In all cases the principal was appointed by the administration. In appointing principals-of-record, most Area Superintendents have made a practice of consulting the alternative community involved prior to making the appointment.

### *QUESTION 5 In light of the information discussed in questions one to four, what form of governance is most appropriate for Toronto's alternative schools?*

Question one outlines in some detail the responsibilities of a school principal. If alternative schools are truly to be considered schools and not magnet or satellite programs, then principal duties cannot be carried out on a 'catch-as-catch-can' basis. Alternative communities are entitled to a better level of principal service than they can possibly receive under present Board practice.

Supervisory officers have particular responsibilities in relation to policy implementation and the Board's new Performance Review procedures.

Although some supervisory officers have enjoyed their association with the staffs of alternative schools, they are unanimous that, at this time, it is unwise for them to serve in two administrative capacities — that of principal and that of supervisory officer.

The conclusions that follow are based on the following:

a) A review of the literature on alternative school governance.
b) Discussions with federation, both at the local and provincial level.
c) Discussions with many of the current principals-of-record.
d) Input from supervisory officers who are presently or have been principals-of-record.
e) Input from the Advisory Council, composed of students, parents, and staff from the Board's alternative schools.

**Conclusions**

1. Alternative programs have grown and matured to a point where they should be viewed as schools, not magnet programs. As such, they should have the support of a school principal.
2. Toronto's alternative schools are alive and growing. It is unfair to continue to expect classroom teachers to deal with all the administrative responsibilities that are normally handled by a principal, unless additional assistance is provided.
3. Board members are frequently reminded that the Ministry of Education has produced more curriculum since 1971 than it had in the previous 50 years. The same could be said of the Toronto Board in both the policy and curriculum area.

   Performance Review began in 1982. Under Board policy and Ministry Regulation 704, 12.(2) (k), teacher evaluation is to be done by a principal. This principal will, of necessity, need to spend considerable time becoming knowledgeable about each teacher's program.

   The Provincial Policy Review of July 6, 1981 and subsequently the development of Board curriculum priorities, along with the Board's Curriculum Implementation Plan, will all necessitate a heavy time commitment from a school principal.

   An "at arms-length" principal is unlikely to be very useful to students, teachers or the Board.

4. Contemporary alternatives believe that parents, students and teachers should be directly involved in the school's governance, usually through what is referred to as a 'community meeting'. Such meetings provide the opportunity to air grievances, socialize, express opinions and suggest improvements.
5. It is essential that staff and community be involved in the selection of an alternative school's principal.
6. An individual selected as principal of an alternative school should be acceptable to the school community, and knowledgeable about and sympathetic to the school's program and philosophy.
7. Alternative school teachers generally enjoy more decision-making responsibility than their colleagues in conventional schools. Students also benefit from this increased involvement. It is essential that the Board and Administration encourage this involvement.
8. The nature, intensity and style of involvement of the alternative school principal should be subject to negotiation among the staff, community, principal and school superintendent.
9. In considering the recommended administration of a specific alternative school, the nature of the school and its program should determine the administrative structure.
10. In January 1977 and again in June 1980, the Central Region's Director of Education requested that the Toronto Board refrain from appointing Supervisory Officers as principals of alternative secondary schools since it contravened section 250(4) of the Education Act, 1974.

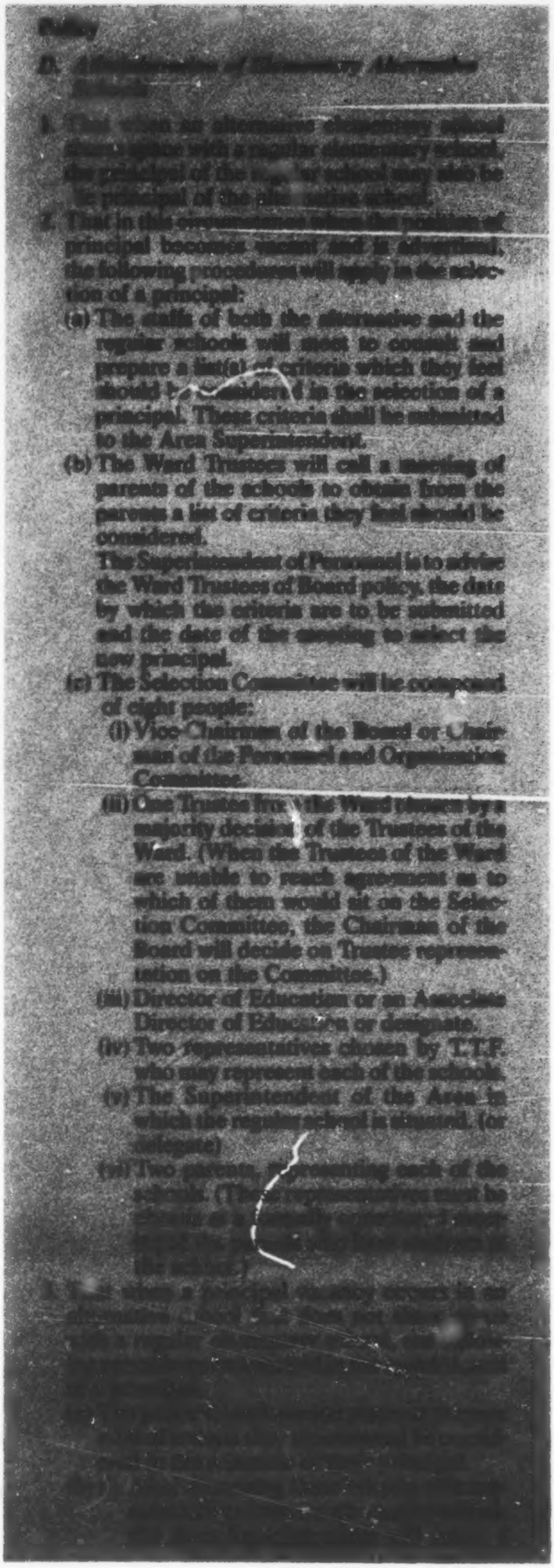
On March 26, 1982, the Board's legal counsel stated, in part:

> "It is therefore our opinion that the Board of Education for the City of Toronto cannot appoint, without the consent of the Minister, a Supervisory Officer to the position of a Principal. The Supervisory Officer will be holding another office in addition to his office as a Supervisory Officer. This will constitute a violation of Section 256(4)."

On June 23, 1982, the Minister confirmed the above decisions but indicated that if the Toronto Board wishes to make an exception in a particular school(s), then a "separate application should be made to me through the Regional Director of Education ... with a statement as to the percentage of time the supervisory officer will be in the school performing the duties of principal."

It is clear therefore that, without the consent of the Minister of Education, it is illegal for a supervisory officer to be principal of an alternative school.

It is recommended that the above list of conclusions be incorporated in the Board's policy on the Administration of Alternative Schools.



**Policy**

*D. Administration of Elementary Alternative Schools*

1. That when an alternative elementary school shares space with a regular elementary school, the principal of the regular school may also be the principal of the alternative school.
2. That in this circumstance when the position of principal becomes vacant and is advertised, the following procedures will apply in the selection of a principal:
   - (a) The staffs of both the alternative and the regular schools will meet to consult and prepare a list(s) of criteria which they feel should be considered in the selection of a principal. These criteria shall be submitted to the Area Superintendent.
   - (b) The Ward Trustees will call a meeting of parents of the schools to obtain from the parents a list of criteria they feel should be considered.
     The Superintendent of Personnel is to advise the Ward Trustees of Board policy, the date by which the criteria are to be submitted and the date of the meeting to select the new principal.
   - (c) The Selection Committee will be composed of eight people:
     - (i) Vice-Chairman of the Board or Chairman of the Personnel and Organization Committee.
     - (ii) One Trustee from the Ward chosen by a majority decision of the Trustees of the Ward. (When the Trustees of the Ward are unable to reach agreement as to which of them would sit on the Selection Committee, the Chairman of the Board will decide on Trustee representation on the Committee.)
     - (iii) Director of Education or an Associate Director of Education or designate.
     - (iv) Two representatives chosen by T.T.F. who may represent each of the schools.
     - (v) The Superintendent of the Area in which the regular school is situated. (or delegate)
     - (vi) Two parents, representing each of the schools. (These representatives must be [illegible] the school.)
3. That when a principal vacancy occurs in an [illegible]

[illegible]

(b) In consultation with [illegible] the Education and Organization Committee [illegible] for the appointment of Principals to [illegible]

(c) [illegible]

4. That where [illegible] an alternative school [illegible] through the Director of Education that [illegible] outlined in [illegible] above.

5. That it be understood that when an alternative school [illegible] within the same Administrative Area, that the principal may continue to be principal of the alternative school if both the Area Superintendent and the alternative school agree it is appropriate.

6. That the principal's [illegible] of alternative [illegible] responsibilities are those outlined in the Education Act, 1980, the Regulations and in the policies of The Toronto Board of Education.

7. That each principal of an alternative school [illegible]

8. That at the [illegible] of both schools [illegible]

[illegible]

[illegible] and the [illegible] principal [illegible]

[illegible] (b) It is proposed that in every alternative [illegible] community [illegible] schools out of [illegible]

8. That a [illegible] alternative school [illegible] to the [illegible] Director [illegible] principals of [illegible] other schools. (See Appendix D.)

9. That where a secondary alternative school [illegible] a supervisory officer [illegible] to principal, it be required that the Director of Education submit a request to the Minister of Education through the Regional Director of Education according to the intent outlined in the Minister's letter of June 23, 1982. This request [illegible] the Director detail in each application the qualifications of the proposed [illegible] the appointment of a supervisory officer as principal, and the percentage of time the supervisory officer will be in the school performing the duties of principal, as specified in section 236 of the Education Act and section 12 of Regulation 262. In the eventuality that the request is denied, then the secondary [illegible] principal would become principal of that alternative school.

*C. Administrative Review Procedure*

1. If a serious problem arises in the administration of a particular alternative school and the [illegible] cannot be [illegible] staff and [illegible] then the following [illegible] procedure would apply:
   (i) the School [illegible]
   (ii) the Area [illegible]
   (iii) the [illegible]
   (iv) [illegible]

2. [illegible]

# X APPENDICES

## Appendix A

### Elementary Alternative Schools

**A.L.P.H.A.**

Location: Brant St. P.S.,
20 Brant St.,
Toronto,
368-8182

Principal: George Binns,
Clinton St. P.S.

Nature of School: 55 pupils, ages 4-12. JK-grade 8. Initiative, self-respect and competence in fundamental skills are emphasized. Day care beginning at the JK level.

**Alternative Primary School**

Location: North Preparatory P.S.,
1100 Spadina Road,
Toronto,
486-0374.

Principal: Ronald McCordic

Nature of School: 95 students, JK-grade 6. Full day care. Academic basics, French instruction, community interaction, physical education and artistic development.

**Beaches Alternative P.S.**

Location: Kimberly P.S.,
50 Swanwick Ave.,
Toronto,
690-3454.

Principal: J. Alexander Martin

Nature of School: 30 pupils, JK-grade 6. Individualized programs based on pupil and parent involvement and on pupils' interests.

**Downtown Alternative Primary P.S.**

Location: Brant St. P.S.,
20 Brant St.,
Toronto,
366-4351.

Principal: Warren W. Smith,
Grace St. P.S.

Nature of School: 40 students. JK-grade 4. Program is similar to Alternative Public School.

**Hawthorne II Bilingual P.S.**

Location: Christie St. P.S.,
50 Essex St.,
Toronto,
537-2534.

Principal: Dietrich Galonska

Nature of School: 90 children, ages 4-12. JK-grade 6. English or French first language enrolment. Full day care. Emphasizes physical, social, emotional and intellectual development in a bilingual setting.

**High Park Alternative Primary P.S.**

Location: Annette St. P.S.,
265 Annette St.,
Toronto,
769-0878.

Principal: R. Donald Harlock

Nature of School: 20 students, JK-grade 2. Half-day kindergarten program with emphasis on parent involvement in a program similar to Downtown Alternative Primary.

**Horizon Senior P.S.**

Location: Kensington Community School,
401 College St.,
Toronto,
960-4879.

Principal: Marlene Strynadka

Nature of School: 70 students. Grades 7 and 8. Focuses equally on the academic, physical and artistic emphases of the Ministry of Education guidelines and allows students to develop independent study skills.

**Mountview P.S.**

Location: 99 Mountview Avenue,
Toronto,
769-5878.

Principal: James Smart

Nature of School: Opened in September 1982. 45 students. JK-grade 6. Learning basic skills is a priority; children grouped according to needs, skills and interests. Special Education Learning Disability Class.

**Spectrum Senior P.S.**

Location: Eglinton P.S.,
223 Eglinton Ave. East,
Toronto,
482-0544.

Principal: V. John Orrom

Nature of School: Maximum 74 students. Grades 7 and 8. For highly motivated students. Academic disciplines taught in small groups. Integrated studies emphasizes group or individual work.

**Wandering Spirit Survival School**

Location: Sackville P.S.
19 Sackville Street,
Toronto,
368-3524.

Principal: W. Glen Whiteside,
Withrow P.S.

Nature of School: 60 students, ages 4-14. JK-grade 8. Full year program. It is a native way school where students are taught basic academic skills while stressing the heritage, spiritual and cultural aspects of the native way of life.

## Appendix B

### Secondary Alternative Schools

**City School**

Location: Osler P.S.,
315 Osler St.,
Toronto,
653-4386.

Principal: Ralph M. Peters

Nature of School: 120 students. Grade 9-13 programs. Aims to maximize student achievement in academics, arts, and physical fitness by integrating school and community.

**CONTACT**

Location: 310 Gerrard St. East,
Toronto,
922-1314.

Principal: Kenneth Turner

Nature of School: 125 students, teenagers, Level 4. Three week trial period. English and mathematics compulsory. Strong community interaction.

**Inglenook**

Location: (old Sackville P.S.)
19 Sackville Street,
Toronto,
366-5605.

Principal: Kenneth Turner

Nature of School: 80 students, grades 9-13 (Classroom model). Advance level programs. Communications, arts, pure and applied sciences, and social sciences. A one-day-a-week "Outreach" program involves students in the community.

**SEED**

Location: Y.M.C.A.,
2nd Floor,
40 College Street,
Toronto,
924-6944.

Principal: William A. McLaughlin

Nature of School: 120 students, grades 9-13. Advance level programs. Traditional subjects and a wide variety of special interest courses.

**S.O.L.E.**

Location: 24 Mountjoy Ave.,
Toronto,
463-1144.

Principal: Joseph L. Weare

Nature of Program: 150 students, 16 years and over. Emphasizes academic learning and the acquisition of business skills.

**Subway Academy One**

Location: Eastern H.S. of Commerce,
16 Phin Avenue,
Toronto,
466-2153.

Principal: William G. Warden

Nature of Program: Maximum 70 students. 90% advance credit programs. Students should take at least 4 courses per year. Program includes regular subjects and independent study programs. One month trial period. Registration throughout the calendar year.

**Subway Academy Two**

Location: 296 Brunswick Ave.,
Toronto,
922-8213.

Principal: Alan R. Scott

Nature of Program: 75 students. West location. Offers independent study in English, French, Geography, History, Italian, Mathematics and Theatre Arts. Students may supplement their program by taking courses at other Toronto Board of Education schools.

**THESTUDENTSCHOOL**

Location: Eastdale C.I.,
701 Gerrard St. E.,
Toronto,
463-4525.

Principal: R. Robert Beardsley

Nature of School: 115 students. Advance Senior level programs for people who have left school before obtaining a diploma. Full-time or part-time studies. Semestered.

**West End Alternative**

Location: 725 Bathurst Street,
Toronto,
536-5644.

Principal: William A. McLaughlin

Nature of Program: 125 students. Programs and student responsibilities similar to CONTACT. There is an Outreach Program at Scadding Court Community Centre for students who require basic upgrading and a life skill component.

## Appendix C

### Alternative & Community Programs Department

Edwin F. Kerr,
Assistant Superintendent.

Annabelle Kennedy,
Co-ordinator.

Four Community Program Advisors:

Barbara Lampert — Area East 461-9251

Julie Mathien — Area West 534-6365

Lorna Reid — Area North 485-9143

Karen Thorpe — Area Central 368-2676

Faith Baldock,
Department Secretary.

## Appendix D

### Report No. 8 of the Alternative and Community Programs Committee
### Tuesday, November 30, 1982

### Secondary School Principal — Secondment to Director's Office

Your committee has considered a report of the officials, on procedures for the secondment of a secondary school principal to the Office of the Director of Education and recommends that the following selection procedures be used:

**(1) General**

The period of the secondment would be initially for two years with a review of the position to be carried out during the second year.

Applicants would be expected to have a record of successful experience as a secondary school principal.

**(2) Selection Committee**

(i) Vice-Chairman of the Board or Chairman of the Personnel and Organization Committee.
(ii) The Chairman of the Alternative and Community Programs Committee.
(iii) The Director of Education or designate.
(iv) The Superintendent of Personnel or designate.
(v) Two representatives chosen by Council of O.S.S.T.F. One of these representatives may be from the staff of one of the alternative schools referred to in (3) (ii) below, or may be the Chairman of the Alternative Schools' Advisory Council, if the Chairman is a teacher.
(vi) A parent, if requested in accordance with (3) (iv) below.

**(3) Criteria**

(i) Each school community representing a secondary alternative school will submit to the Assistant Superintendent of Alternative and Community Programs a list of the criteria which the group feels should be considered in the selection of a seconded principal. The Chairman of the Alternative Schools' Advisory Council, along with the Chairman of the Alternative and Community Programs Committee and the Assistant Superintendent of Alternative and Community Programs, will consider the criteria submitted from the school communities and, on the basis of these, will prepare an appropriate composite set of criteria for consideration by the Director of Education and by the Selection Committee. The composite set of criteria will be provided as information to each secondary alternative school community to assist each in making the decision outlined in (3) (ii).

(ii) Having received the composite set of criteria, each secondary alternative school community will indicate, in writing to the Assistant Superintendent of Alternative and Community Programs, whether that community intends to come under the administration of the seconded principal.

(iii) The Chairman of the Alternative and Community Programs Committee, in co-operation with the Chairman of the Alternative Schools' Advisory Council, will arrange a meeting to which will be invited the parents of those schools referred to in (3) (ii). The Assistant Superintendent of Alternative and Community Programs will be invited to this meeting.

A quorum for this meeting will be a minimum of 25 parents, including at least 4 parents from each of the schools referred to in (3) (ii).

(iv) If a majority of the school communities represented at this meeting so desire, they may appoint a parent representative to the Selection Committee.

**(4) Selection**

(i) The Director will provide a short list of not more than 3 candidates chosen in accordance with the composite set of criteria mentioned above.

(ii) The Selection Committee will then interview the candidates on the Director's short list and choose the one considered most suitable for the position, taking into consideration the composite set of criteria mentioned above.

(iii) It is expected that a choice will be made on the basis of consensus rather than by ballot. In the event that no consensus is reached, the position will be re-advertised immediately and this fact will be reported to the Personnel and Organization Committee for information.

If, after the second Selection Committee interview process, no consensus is reached, but there is a majority support for one candidate, this fact and supporting information will be reported to the Personnel and Organization Committee prior to advertising a third time.

# OTTAWA BOARD OF EDUCATION ALTERNATIVE SCHOOL POLICY

**Board Meeting — November 24, 1975**

1. That the Ottawa Board of Education foster within its area of jurisdiction, alternate forms of education both in terms of varying educational philosophies and teaching methodology.
2. That an Alternate School be defined as:
   a) one for which the Ottawa Board of Education has or will have, the authority to receive grants and tax levies for the education of the students as if the students were attending any other school operated by the Ottawa Board of Education; and
   b) one which is operated and guided in accordance with the policies of the Ottawa Board of Education and in accordance with the Statutes of the Province of Ontario.
3. That the Ottawa Board of Education provide the same funds and services to Alternate Schools on the same basis as it provides funds and services to all of the schools it operates.
4. That any private school, not already operated by the Ottawa Board of Education but, operating within the area of the jurisdiction of the Ottawa Board of Education as a school, pursuant to the Education Act 1974, may make application to the Board for status as an Alternate School.
5. Following acceptance of the application of an Alternate School, the governing authority of that school shall be constituted as an Advisory Committee to the Ottawa Board of Education for the purposes of assisting and counselling the Ottawa Board of Education in the Board's administration of the educational program, in the selection of personnel, and in the defining of Board policies for a specific Alternate School.
6. That where any recommendation by the continuing governing authority (as constituted in Article 5) is not implemented by the Ottawa Board of Education, the reasons for the denial shall be given in writing and approval may be sought on a subsequent occasion.
7. That any application under Section 4 shall set forth the name of the school applying, the constitution governing the operation of the school, the names and addresses of those who operate the school (the governing authority), the formal relationships which the school has with any other institution, the names of all personnel associated with the school, the qualifications and salaries of all personnel, the names and addresses of students attending the school, the real property of the school, the facilities used by the school, but not owned by the school, an audited statement of the financial records of the school, a description of the purposes, methodology, and particular philosophic bases of the school, an analysis of the elementary and secondary enrolment where applicable, and any other information which might have a bearing on the legal arrangements between such a school and The Ottawa Board of Education.
8. That the title to the real property of an Alternate School shall remain unchanged unless otherwise agreed to by the parties to any Agreement cited in Article 11 *hereinafter.*
9. That as for all schools operated by the Ottawa Board of Education, the Director of Education or his designate shall be responsible for the administration and supervision of Alternate Schools.
10. That the education tax levied by the municipalities within the area of the jurisdiction of The Ottawa Board of Education on the parents or guardians of any student attending an Alternate School at the Elementary level shall be designated *PUBLIC.*
11. That there shall be an agreement between an Alternate School and The Ottawa Board of Education governing:
    i) those items peculiar to any given situation,
    ii) the duration of such an agreement and
    iii) the goods and services to be provided by The Ottawa Board of Education to an Alternate School.

# THE BOARD OF EDUCATION FOR THE BOROUGH OF YORK

# CRITERIA FOR ALTERNATIVE SCHOOL PROGRAMS

The establishment of an alternative school program under the Board of Education for the Borough of York shall be considered according to the following criteria:

### 1. Enrolment Base

a) The enrolment base for the proposed program shall be within the established class ranges in the current collective agreement according to the age and status of prospective students.

### 2. Program

a) The program shall provide a unique contribution to education in the Borough of York;
b) The program shall be consistent with Ministry guidelines and administrative procedures of the Board;
c) The group proposing the program shall be involved in the establishment and on-going maintenance of the program in a consultative capacity.

### 3. Accommodation

a) Accommodation for the program shall be in existing school space in a location acceptable to the proposing groups and the local school and community organization and be in accordance with the Board's accommodation policy;
b) The program shall be designated as a separate entity within the host school;
c) The Board shall not be responsible for costs or renovations or structural changes to accommodate the program.

### 4. Staffing

a) The allocation of staff shall be according to the Board's collective agreements;
b) Selection and placement of staff shall be the responsibility of the principal in consultation with the group proposing the program;
c) The provision of any further support staff shall be at no cost to the Board.

### 5. Supplies and Equipment

a) Supplies and equipment provided to the program shall be according to Board supplies allocation proportioned to the number of students enrolled;
b) Any additional supplies and equipment used in the program shall be provided at no cost to the Board.

### 6. Extensions to the Regular Program

a) Establishment of a day care centre as a supplement to the program shall be according to guidelines contained in the Report of the Pre-School Programs Work Group and such a facility shall also be open to students of the host school;
b) Enrichment activities which result in costs in excess of the normal transportation and supplies budgets shall be at no cost to the Board.

### 7. Accountability

a) Under Regulation 262 of the Education Act, the Principal shall be the person responsible for the program.
b) An Advisory Committee of parents, the Trustees for the area and the Supervisory Officer for the school, shall assist the principal in a consultative capacity;
c) The Advisory Committee shall have a representative on the School and Community Organization of the host school;
d) The Advisory Committee shall be responsible for the provision of funds beyond those recognized as usual Board costs;
e) An annual budget indicating full apportionment of costs shall be submitted to the appropriate Supervisory Officer by May 31st, prior to commencement of the regular school program the following September;
f) The Principal and Advisory Committee shall review the progress of the program on a semi-annual basis and report to the appropriate Supervisory Officer by December 31st and May 31st of each year;
g) Each proposal shall be dealt with individually by the Board.

Approved: March 29, 1985

## Appendix N

# MINISTRY OF EDUCATION – ONTARIO GOALS OF EDUCATION

The Ministry of Education in Ontario strives to provide in the schools of the province *equal opportunity for all.* In its contribution to programs, personnel, facilities, and finances, the ministry has the overall purpose of helping individual learners to achieve their potential in physical, intellectual, emotional, social, cultural, and moral development. The goals of education, therefore, consist of helping each student to:

1. **develop a responsiveness to the dynamic processes of learning**

Processes of learning include observing, sensing, inquiring, creating, analyzing, synthesizing, evaluating, and communicating. The dynamic aspect of these processes derives from their source in many instinctive human activities, their application to real-life experiences, and their systematic interrelation within the curriculum.

2. **develop resourcefulness, adaptability, and creativity in learning and living**

These attributes apply to modes of study and inquiry, to the management of personal affairs such as career plans and leisure activities, and to the ability to deal effectively with challenge and change.

3. **acquire the basic knowledge and skills needed to comprehend and express ideas through words, numbers, and other symbols**

Such knowledge and skills will assist the learner in applying rational and intuitive processes to the identification and solution of problems by:

a) using language aptly as a means of communication and an instrument of thought;

b) reading, listening, and viewing with comprehension and insight;

c) understanding and using mathematical operations and concepts.

4. **develop physical fitness and good health**

Factors that contribute to fitness and good health include regular physical activity, an understanding of human biology and nutrition, the avoidance of health hazards, and concern for personal well-being.

5. **gain satisfaction from participating and from sharing the participation of others in various forms of artistic expression**

Artistic expression involves the clarification and restructuring of personal perception and experience. It is found in the visual arts, music, drama, and literature, as well as in other areas of the curriculum where both the expressive and receptive capabilities of the learner are being developed.

6. **develop a feeling of self-worth**

Self-worth is affected by internal and external influences. Internally it is fostered by realistic self-appraisal, confidence and conviction in the pursuit of excellence, self-discipline, and the satisfaction of achievement. Externally it is reinforced by encouragement, respect, and supportive education.

7. **develop an understanding of the role of the individual within the family and the role of the family within society**

Within the family the individual shares responsibility, develops supportive relationships, and acquires values. Within society the family contributes to the stability and quality of a democratic way of life.

8. **acquire skills that contribute to self-reliance in solving practical problems in everyday life**

These skills relate to the skilful management of personal resources, effective participation in legal and civic transactions, the art of parenthood, responsible consumerism, the appropriate use of community agencies and services, the application of accident-prevention techniques, and a practical understanding of the basic technology of home maintenance.

9. **develop a sense of personal responsibility in society at the local, national, and international levels**

Awareness of personal responsibility in society grows out of knowledge and understanding of one's community, one's country, and the rest of the world. It is based on an understanding of social order, a respect for the law and the rights of others, and a concern for the quality of life at home and abroad.

10. **develop esteem for the customs, cultures, and beliefs of a wide variety of societal groups**

This goal is related to social concord and individual enrichment. In Canada it includes regard for:

a) the Native peoples;
b) the English and French founding peoples;
c) multiculturalism;
d) national identity and unity.

11. **acquire skills and attitudes that will lead to satisfaction and productivity in the world of work**

In addition to the appropriate academic, technical, and interpersonal skills, this goal relates to good work habits, flexibility, initiative, leadership, the ability to cope with stress, and regard for the dignity of work.

12. **develop respect for the environment and a commitment to the wise use of resources**

This goal relates to a knowledgeable concern for the quality of the environment, the careful use of natural resources, and the humane treatment of living things.

13. **develop values related to personal, ethical, or religious beliefs and to the common welfare of society**

Moral development in the school depends in part on a consideration of ethical principles and religious beliefs, a respect for the ideals held by others, and the identification of personal and societal values.

The preceding goals are not arranged in any hierarchical order, nor are they discrete categories from which a checklist should be made. The integrated nature of learning and the complex pattern of human development preclude such a sequential or fragmented approach. The translation of the goals into curriculum objectives, however, will undoubtedly result in sequences of learning appropriate to the particular levels and stages of development of the students for whom programs are being planned.